



ASEAN-WEN

Wildlife Enforcement Network

ASEAN HANDBOOK

ON LEGAL COOPERATION TO COMBAT

WILDLIFE CRIME



USAID
FROM THE AMERICAN PEOPLE



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The Legal Support Program is an ASEAN-wide legal capacity building and research support initiative to promote strategic legal remedies in prosecuting transnational wildlife trafficking in Southeast Asia. This is done by providing support to ASEAN-WEN (ASEAN Wildlife Enforcement Network) and its member agencies on legal analysis, development of legal toolkits, training/ knowledge sharing, in-country mission/ consultations and research support.

The Legal Support Program is a project under the Asia’s Regional Response to Endangered Species Trafficking - ARREST Program, supported by the US Agency for International Development (USAID), US Fish and Wildlife Service (USFWS), and implemented by Freeland (lead implementer of the ARREST Program). Our partners include United Nations Office on Drugs and Crimes (UNODC), Asia Pacific Center for Environmental Law, National University of Singapore (APCEL), US Department of Justice (DOJ) and ASEAN Inter-Parliamentary Assembly (AIPA). We also received valuable ad hoc support and advice from experts such as Dr. Chatchom Akapin (Office of the Attorney General of Thailand) and Mr. John Webb (Member of Advisory Council to US Presidential Task Force on Wildlife Trafficking).

The preparation of this Handbook would not have been possible without the data and information provided by the ASEAN Member States (in particular the ASEAN-WEN focal points and legal point persons of each ASEAN Member States) during:

1. The ASEAN-WEN Regional Stakeholders Law and Policy Workshop (Singapore, 8-10 December 2014). The workshop, kindly hosted by APCEL and jointly organized with Freeland, was preceded by the compilation of a legal survey conducted in coordination with designated government focal points in each Member State. This exercise included the compilation of a set of ASEAN wildlife and forest resource protection mechanisms and relevant enforcement legislation and policies, which were provided by Member States. The workshop offered the opportunity for several legal experts, practitioners and law enforcement officials to discuss the cooperation challenges in legal matters related to wildlife crimes. An informal “Legal Task Force” was formed as a result of the workshop. It consists of legal focal points from each AMS and other experts from the program partners. The Legal Task Force and subsequent inputs from the members were valuable in the finalization of the Handbook.
2. The preparation of “Legal Framework to address Wildlife and Timber Trafficking in the ASEAN Region: A Rapid Assessment”. In April 2015, Freeland presented a joint working paper entitled “Legal Framework to Address Wildlife and Timber Trafficking in the ASEAN Region” with UNODC. This working paper was jointly prepared by Freeland and the UNODC Global Programme on Combating Wildlife and Forest Crime. It was developed within the framework of the Pre-SOMTC (Senior Officials’ Meeting on Transnational Crime) Conference on Wildlife and Timber Trafficking in Southeast Asia (Bangkok, 7-8 April 2015).

While many of the laws are provided by the AMS, further research have also been made into the laws and regulations, in particular for English versions available on open-source websites, including but not limited to the various government agencies’ official websites, FAOLEX (faolex.fao.org/), ECOLEX (www.ecolex.org/) and Education for Nature -Vietnam (envietnam.org/).

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¹ UNODC and Freeland (2015), “Legal Framework to address wildlife and timber trafficking in the ASEAN region: A rapid assessment”, Working Paper, April 2015, Bangkok.

Baporita, Ms. Bussara Tirakalyanapan, Mr. Ryan Owens, Ms. Adhitha Nareswari (Freeland), Mr. Achmad Prabadi and Mr. Ardi Risman (MOEF).

ASEAN-WEN

is the Association of Southeast Asian Nations Wildlife Enforcement Network. It involves environmental, law enforcement and customs agencies in all 10 ASEAN countries and facilitates cross-border collaboration in the fight against illegal wildlife trade in the region. For more information, visit www.asean-wen.org

ASEAN Inter-parliamentary Assembly

AIPA is a regional parliamentary organization comprising of Parliaments of Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. AIPA's aims and purposes are to promote solidarity, understanding, cooperation and close relations among parliaments of ASEAN Member States, other parliaments and parliamentary organizations; to study, discuss and suggest solutions to problems of common interest and express its views on such issues with the aim of bringing about action and timely response by the members of AIPA; and to promote the principles of human rights, democracy, peace, security and prosperity in ASEAN.

The Asia-Pacific Centre for Environmental Law (APCEL)

was established on February 15, 1996, by the Faculty of Law, National University of Singapore (NUS) on the initiative of the Faculty of Law and the IUCN's Commission on Environmental Law (CEL), in collaboration with the United Nations Environment Programme (UNEP). APCEL is situated in the Faculty of Law and supported by the National University of Singapore (NUS). The Faculty of Law has established itself as one of the best law schools in the region, with one of the leading law libraries in the common law jurisdiction. APCEL was established in response to the need for capacity building in environmental legal education and the need for promotion of awareness in environmental issues.

Freeland Foundation

is a non-profit international organization dedicated to raising conservation awareness, building local capacity to protect wildlife and ecosystems and putting into stop illegal wildlife trade in the Asian region. It is the prime organization implementing the Asia's Regional Response to Endangered Species Trafficking (ARREST) Program (2011-2015), funded by the US Agency for International Development (USAID). Freeland is a formal partner of the ASEAN Wildlife Enforcement Network (ASEAN-WEN).

The United Nations Office on Drugs and Crime (UNODC)

is a global leader in the fight against illicit drugs and international crime. Established in 1997 through a merger between the United Nations Drug Control Programme and the Centre for International Crime Prevention, UNODC operates in all regions of the world through an extensive network of field offices. UNODC relies on voluntary contributions, mainly from Governments, for 90 per cent of its budget. UNODC is mandated to assist Member States in their struggle against illicit drugs, crime and terrorism. In the Millennium Declaration, Member States also resolved to intensify efforts to fight transnational crime in all its dimensions, to redouble the efforts to implement the commitment to counter the world drug problem and to take concerted action against international terrorism.

United States Agency for International Development (USAID)

is the United States Agency for International Development. It has been the principal U.S. agency extending assistance worldwide since 1961. In Asia, USAID supports programs addressing problems that cross national boundaries, such as human and wildlife trafficking, HIV/AIDS, natural resources conservation, trade, and political and economic conflict. For more information, visit www.usaid.gov.

The United States Fish and Wildlife Service (FWS)

is a federal government agency within the U.S. Department of the Interior dedicated to the management of fish, wildlife, and natural habitats.

FOREWORD



Ministry of Environment and Forestry of the Republic of Indonesia

Over the past decade, the Association of Southeast Asian Nations (ASEAN) has facilitated strategic and tactical responses to an emerging non-traditional security threat in the region. Since 2005, with the creation of the ASEAN Wildlife Enforcement Network (ASEAN-WEN), we have elevated the fight against biodiversity exploitation and trafficking of endangered wildlife species within and throughout our region, to a higher level. With each national task force or specialized body created under the aegis of ASEAN, national-level enforcement actions are at an all time high. The network successfully links environmental agencies, police, customs and members of the judiciary from all 10 ASEAN member states. It helps them to coordinate and share intelligence, conduct investigations, and train government officers to end wildlife trafficking.

As ASEAN progress, as we evolve into a new era of integration and common markets, the more our challenges grow in parallel. This is true with the robust and committed implementation of the ASEAN economic community from 2015 and beyond, CITES (Convention on International Trade of Endangered Species of Wild Fauna and Flora), and other relevant multilateral environmental, economic and security-related agreements and conventions.

The Government of Indonesia proudly hosts the launch of the “ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime”, as we lead the ASEAN Member States’ commitments on legal reforms under the ASEAN Regional Action Plan on CITES Wild Flora and Fauna. As this edition goes to press, the region continues to be besieged by criminal elements, exploiting legal loopholes. This new and innovative tool, maps national legislations, enforcement and prosecutorial tools to combat wildlife crime. Nothing this comprehensive has been developed in the past, and with ASEAN enhancing its regional cooperation and national enforcement efforts, this handbook will be considered as a game changer in combating wildlife crime.

This novel effort could not have been possible without the commitment of ASEAN and an array of private-public partners: ASEAN Member States, US Agency for International Development (USAID)-funded ARREST Program (Asia’s Regional Response to Endangered Species Trafficking) which is implemented by Freeland, US Fish and Wildlife Service, United Nations Office on Drugs and Crime and the Asia Pacific Center for Environmental Law of the National University of Singapore.

Truly, our efforts and resources are best utilized when like-minded and committed organizations and individuals collaborate, in a substantive way.

Above all, I hope this handbook will empower enforcers, increase academic and policy understanding on national and regional legal tools to combat wildlife crime in the ASEAN region.

Dr. Ir. Siti Nurbaya Bakar, M.Sc

Minister of Environment and Forestry

Republic of Indonesia



I would like to convey my best wishes, appreciation, and support for the hard work and effort in the realization of this ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime. This is an evident concerted regional collaborative effort, as ASEAN moves to economic integration by 2015, broadening trade, movements of goods and people intra-ASEAN. This challenges our member states in furthering collaboration in legal reforms and enforcement to ensure that the ASEAN Wildlife Enforcement Network (ASEAN-WEN) and our National Task Forces protect our region's biodiversity and guard its borders against transnational wildlife crime operators.

I share the goal that biodiversity is the bloodline of sustainable ecosystems and central to human survival on the planet. Wildlife crime threatens far more than ASEAN's forests and marine areas and that loss of biodiversity weakens natural ecosystems that play vital roles in food production and harvesting. The illicit trade in wild Fauna and Flora, threatens human security, with the involvement of organized national and transnational crime networks, and increases the risk of transmitting emerging infectious diseases, such as avian pandemic influenza and severe acute respiratory syndrome (SARS) which endangers human health and well-being, and ASEAN's economy.

Since its establishment in 2005 as an outgrowth of the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora, (2005-2010), under the ASEAN Forestry Cooperation, the ASEAN Wildlife Enforcement Network has made important inroads toward tackling wildlife crime in Southeast Asia through stronger collaborations between and among relevant wildlife law enforcement agencies in the region on wildlife law enforcement against wildlife trafficking and for more effective protection of protected areas and habitats. ASEAN Member States have persisted in their vigilance in enforcing their relevant national wildlife policies and legislations, and cooperation among relevant wildlife law enforcement agencies have yielded numerous wildlife law enforcement actions involving rescues of live wildlife, seizures of dead animals and plants, parts, products and derivatives, related arrests and convictions. We have further committed to ASEAN-WEN and CITES (Convention for International Trade on Endangered Species of Wild Fauna and Flora) through the recently approved ASEAN Cooperation on Food, Agriculture and Forestry Sectors and its Strategic Plan (2016-2020).

ASEAN-WEN appreciates the technical and financial assistance from US Agency for International Development (USAID), US Fish and Wildlife Service (USFWS), Freeland, United Nations Office on Drugs and Crime (UNODC), the Asia Pacific Centre for Environmental Law (APCEL) of the National University of Singapore, and the Government of Indonesia, in the development of the ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime. This handbook would not have been possible without the support from our very own National Task Forces, and coordination by our leading partner, the ARREST Program (Asia's Regional Response to Endangered Species Trafficking) funded by USAID and implemented by Bangkok-based Freeland.

This Handbook is an evolving document that will be further updated through subsequent editions to reflect developments in the area of legislation across the ASEAN region.

I am confident this ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime will serve as a practical toolkit to assist in the acceleration and enhancement of ASEAN-wide wildlife enforcement and legal cooperation, thereby setting the foundation for a safe and economically vibrant region.

Haji Muhammad Faisal Haji Nordin

Chairman of the ASEAN Wildlife Enforcement Network (ASEAN-WEN), 2015-2016

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LIST OF ACRONYMS

AML	Anti-money laundering
AMMTC	ASEAN Ministers Meeting on Transnational Crime
AMS(s)	ASEAN member State(s)
ASEAN	Association of South East Asian Nations
ASEAN-WEN	ASEAN Wildlife Enforcement Network
BN	Brunei Darussalam
CFT	Counter Terrorist Financing
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
FATF	Financial Action Task Force
ID	Indonesia
KH	Cambodia
LA	Lao PDR
MLAT	ASEAN Mutual Legal Assistance Treaty on Criminal Matters (MLAT), 2004
MM	Myanmar
MOU	Memorandum of Understanding
MY	Malaysia
PH	Philippines
SG	Singapore
SOMTC	Senior Officials Meeting on Transnational Crime
TH	Thailand
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
VN	Vietnam
WTT	Wildlife and timber trafficking





INTRODUCTION

The trafficking in wildlife and timber in Southeast Asia and the Pacific continues to increase and exceeds an annual value of US\$20 billion, which corresponds to roughly one fourth of the total financial value of transnational organized crime flows in the region². The illegal exports of timber-based products from and within the region is estimated to be the second biggest criminal financial flow after the illegal trade of counterfeit goods³.

The demand for rare wildlife parts has grown in many Asian markets due largely to increased wealth in the region. Its impact is devastating, not only on Asian biodiversity, but also on species originating in other continents. For instance, due to the alleged healing properties in Asian traditional medicine, the number of rhinos that are poached for their horns every year in South Africa has risen dramatically from 13 in 2007 to 1,215 in 2014. Besides threatening the existence of wild animals, this illegal trade has become highly profitable and conducive to a significant amount of corruption and money laundering.

Against this background, in 2012 over 400 parliamentarians, ministers, and senior government officials convened for the 33rd ASEAN Inter-Parliamentary Assembly (AIPA) General Assembly in Lombok, Indonesia, and approved a resolution to strengthen law enforcement and regional cooperation in order to combat wildlife crime⁴. The resolution called upon AIPA member Parliaments to place wildlife crime onto the permanent agendas of the ASEAN SOMTC and ASEANAPOL (ASEAN Chiefs of Police).

The same message was reiterated at the 22nd APEC Economic Leaders' Meeting, where participating leaders committed to treat wildlife trafficking crimes seriously and to continue efforts in combating wildlife trafficking through international cooperation to reduce the supply of, and demand for, illegally-traded wildlife.

In 2013, the United Nations Economic and Social Council (ECOSOC) issued Resolution 2013/40, which encourages all member States to promote bilateral, sub-regional, regional and international cooperation to make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups as a serious crime, as defined in article 2, paragraph (b), of the UNTOC, in order to ensure that adequate and effective means of international cooperation can be afforded under the Convention in the investigation and prosecution of those engaged in illicit trafficking in protected species of wild fauna and flora.

In August 2013 the Foreign Ministers from the East Asia Summit (EAS) endorsed wildlife crime as being a new threat under the Non-traditional Security and Non-proliferation Purview in the region⁵. This was adopted by the leaders at the 9th EAS in November 2014, where the Heads of all ASEAN member States – as well as those from Australia, People's Republic of China, Republic of India, Japan, Republic of Korea, New Zealand, Russian Federation, and the United States of America – agreed on the East Asia Summit Declaration on Combating Wildlife Trafficking. In particular, this document requested the ASEAN Ministers Meeting on Transnational Crime (AMMTC) to consider recognizing environmental crime as a serious transnational crime. The need for harmonization was recognized by the Leaders at the East Asia Summit (EAS) Declaration, which declared, *inter alia*, to:

- support the harmonization of environmental laws to combat transnational crime and link wildlife crime with the UN Convention against Transnational Organized Crime and the UN Convention against Corruption; and
- encourage the harmonization of legal and administrative regulations

On 11 November 2014, at the 22nd APEC Economic Leaders' Meeting, the leaders declared their commitment to combat wildlife in paragraph 39 of the declaration:

"39. We commit to continue our efforts in combating wildlife trafficking. We will take steps to combat wildlife trafficking by enhancing international cooperation through Wildlife Enforcement Networks (WENs) and other existing mechanisms, reducing the supply of and demand for illegally traded wildlife, increasing public awareness and education related to wildlife trafficking and its impacts, and treating wildlife trafficking crimes seriously."

On 13 November 2014, at the East Asia Summit (EAS), the EAS leaders signed a declaration to combat wildlife crime and declared its support and recognition of wildlife crime as a serious transnational crime and requested the ASEAN ministers meeting on transnational crime to consider recognizing environmental crime as serious transnational crime.

² *Transnational Organized Crime in East Asia and the Pacific – A threat Assessment*, UNODC, 2013.

³ *Ibid.*

⁴ Res33GA/2012/Org07 "Strengthening Law Enforcement and Regional Cooperation to Combat Wildlife Crime".

⁵ *Chairman's Statement of 4th East Asia Summit (EAS) Foreign Ministers' Meeting on 10 August 2014 in Nay Pyi Taw, Myanmar.*

The EAS leaders also supported the harmonization of environmental laws to combat transnational crime and linking wildlife crime with the UN Convention Against Transnational Organized Crime and the UN Convention Against Corruption.

In September 2015, the 36th General Assembly of the ASEAN Inter-Parliamentary Assembly approved a resolution to combat wildlife crime, making wildlife crime a permanent item on the AIPA Caucus Agenda. The resolution calls for parliaments to oversee the implementation of national strategies to support ASEAN national commitments in curbing wildlife crime, and to continue a partnership with Freeland and the ASEAN Wildlife Enforcement Network.

In Oct 2015, the security ministers of ASEAN signed a declaration to prioritize wildlife and timber trafficking as ASEAN's 9th priority transnational organized crime to be on the SOMTC and AMMTC's permanent agenda, on par with human trafficking and terrorism.

Thus, what is clear is that the leaders of ASEAN and East Asia recognise that wildlife crime is a serious transnational crime that needs their full and continued support. These Declarations of support now need to be translated into action. This requires political will. Political will is a vital factor in the success of any implementation process.

LIMITATIONS:

Cooperation in legal matters is generally promoted through bilateral, regional and international agreements. Although cooperation does not require such agreements to be in place, having common standards, principles and clearly articulated definitions can make cooperation easier and more effective. In the field of environmental crimes there are currently no specialized regional or international conventions/treaties that define the parameters of cooperation among governments. Nonetheless, the absence of specialized international agreements does not preclude the possibility of governments cooperating – both formally and informally – on the prevention, investigation and prosecution of environmental crimes. In particular, when governments have similar provisions to investigate these crimes, cooperation can be very effective.

Intended to fill a significant knowledge gap between the legal frameworks surrounding the issue of environmental crimes, this Handbook tries to establish a baseline of relevant laws among the ten member States of the Association of Southeast Asian Nations (ASEAN).

Rather than attempting to cover all forms of environmental crimes, this Handbook will restrict its focus to the area of wildlife crime (while the main focus is on wildlife, we have included forestry and fisheries offenses where possible). The reason for this limited scope is twofold: first, the illegal trade of these commodities has undergone unprecedented growth over the past decade, attracting widespread condemnation from the international community due to the disastrous impact on the planet's biodiversity; second, by narrowing down the list of all possible forms of environmental crimes, this Handbook is able to focus on a more manageable set of laws and regulations, with a view to identifying those minimum common denominators that can help foster international cooperation in such legal matters.

In particular, this Handbook prioritizes analysis of the grey legal area that lies between what we call "environmental laws" and "criminal justice laws", with an inevitable degree of attention towards the international trade regulations with regard to the trade in endangered wild fauna and flora, pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

There are numerous laws that can be utilized to prosecute a case of trafficking in wildlife and/or timber. Examples of such laws include the penal codes, the laws on anti-money laundering (AML) and anti-corruption, as well as various other provisions, such as customs laws, quarantine laws and specific wildlife laws. The analysis here was conducted on translated laws, which are susceptible to some inconsistencies and varied interpretations by a foreign reader. It is also undeniable that there are many interpretations given by court jurisprudence in each country that may not have been captured by a simple analysis of the legal texts. This is particularly true for those ASEAN member States whose legal systems are based on common law.

However, it is recognized that alternative relevant laws and regulations may exist that this Handbook has not considered. For this reason, this Handbook should be considered as providing a baseline for future comprehensive studies.

The main objective of this Handbook was to provide a regional overview of the similarities and differences in the national legal frameworks that criminalize various wildlife and forest activities, particularly wildlife trafficking across the ASEAN region. The Handbook has included a chapter for each of the ten AMS, which contained extracts of the relevant provisions and laws under the national legal framework. Although an analysis of domestic laws was necessary to conduct the research, this Handbook has adopted a rather quantitative approach for the identification (or absence) of specific legal provisions and international commitments. A deeper insight into the quality of the legal provisions and commitments, as well as their likelihood to produce a positive impact at the domestic and regional levels, is highly recommended for future studies.

The cut-off date of this Handbook for data collection is 30 September 2015.





LEGAL FRAMEWORK
FOR ADDRESSING WILDLIFE CRIME IN THE
ASEAN REGION



1 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS

The ASEAN region is characterized by a generally high rate of adherence⁶ to international treaties and conventions on a wide range of topics. Some of these treaties are useful for building a regional legal basis for cooperation in the field of wildlife and timber trafficking. It must be highlighted that being party to a convention does not automatically translate into the adoption of standards and requirements within national legal frameworks. For this to happen, every party to a convention needs to enact new domestic laws or amend existing ones in cases where the current national framework does not match the requirements of the convention. In other cases, governments need to amend their domestic legal framework before becoming a party to an international treaty.

In the case of some conventions (e.g. UNCAC), parties have agreed to establish a voluntary review mechanism to assess the level of effective implementation of the provisions of the Convention at a national level. In other conventions, such as CITES, parties have agreed to empower the Secretariat to issue suspension measures in cases of non-compliance. In cases like the UNTOC, parties have yet to agree on the establishment of a review mechanism to monitor implementation.



⁶ Adherence is the process of becoming a party to a treaty by ratification or accession. This Handbook does not intend to analyze the actual compliance with the obligations contained in the treaties.

TABLE 1 RELEVANT CONVENTIONS/TREATIES AND RELATED STATUS OF PARTICIPATION (RATIFICATION/ACCESSION) AMONG AMS

CONVENTIONS TREATIES AND AGREEMENTS	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
1 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973	●	●	●	●	●	●	●	●	●	●
Category 1 (legislation that generally meets the requirements for implementation of CITES)	●	●	●		●			●	●	●
Category 2 (legislation that does not meet all of the requirements for the implementation of CITES)							●			
Category 3 (legislation that does not meet the requirements for the implementation of CITES)				●		●				
2 United Nations Convention against Transnational Organized Crime (UNTOC), 2003	●	●	●	●	●	●	●	●	●	●
3 United Nations Convention against Corruption (UNCAC), 2003	●	●	●	●	●	●	●	●	●	●
4 The International Convention on the Simplification and Harmonization of Customs Procedures (Revised Kyoto Convention), 1973 (amended in 1999)		●	●		●		●		●	●
5 WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1995	●	●	●	●	●	●	●	●	●	●
6 Convention on Biological Diversity (CBD), 1992	●	●	●	●	●	●	●	●	●	●
7 Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972	●	●	●	●	●	●	●	●	●	●
8 ASEAN Mutual Legal Assistance Treaty on Criminal Matters (MLAT), 2004	●	●	●	●	●	●	●	●	●	●
9 International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the Financial Action Task Force (FATF) 40+9 Recommendations, 2012 ⁷	●	●	●	●	●	●	●	●	●	●
• High-risk and non-cooperative Jurisdictions ⁸						●				
• Improving Global AML/CFT Compliance: on-going process ⁹			●	●						
10 Biological and Toxin Weapons Convention (BWC), 1972	●	●	●	●	●	●	●	●	●	●

7 For more information on FATF see Section 7 – National laws on anti-money laundering

8,9 Source: FATF's Public Statement, February 2015, available at: <http://www.fatf-gafi.org/topics/high-riskandnon-cooperativejurisdictions/>

As highlighted above, the ratification of a convention should not be considered automatically as an attestation to the quality of the domestic legal framework. Yet, it must be recognized that by ratifying the same conventions AMS demonstrate an intention to address a specific topic at domestic and international level. Therefore it strikes as a positive result that in relation to the trafficking of wildlife and timber the AMS have a 100% rate of ratification of / accession to the following instruments:

- a. United Nations Convention Against Transnational Organized Crime (UNTOC)
- b. United Nations Convention Against Corruption (UNCAC)
- c. ASEAN Treaty on Mutual Legal Assistance Treaty on Criminal Matters (MLAT)
- d. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation (FATF)
- e. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

CITES (Convention on International Trade in Endangered Species of wild Flora and Fauna) is the most important international treaty to regulate international trade in wildlife. Hence, there is the inevitable focus on the AMS laws implementing CITES.

The above-mentioned treaties place great importance on international cooperation among its members and can be used as both a legal and operational platforms to provide and receive cooperation among AMS on matters related to transnational crimes (items a-d in the list above) and on international trade of endangered wild fauna and flora (item e). Yet, what remains to be determined is whether the trafficking of wildlife can be considered a form of transnational organized crime especially under the conditions set out in the UNTOC.



2 DEFINITIONS OF RELEVANT OFFENCES

In the Wildlife and Forest Crime Analytic Toolkit published in 2013, UNODC referred to “wildlife and forest crimes” as the taking, trading (supplying, selling or trafficking), importing, exporting, processing, possessing, obtaining and consumption of wild fauna and flora, including timber and other forest products in contravention of national or international law¹⁰. In this section, some of such constituting elements of offence have been sought and compiled in Table 2.

The review exercise revealed that all AMS have relatively comprehensive national CITES enabling laws and legal frameworks which outline offences leading to the trafficking of wildlife and/or timber. Violations are clearly stipulated in existing laws with the appropriate penal provisions or fines, either directly under the CITES enabling laws or with an ancillary law (e.g. Penal Code).

All AMS have varying degrees of provisions on the possession of prohibited or protected wildlife and timber species. Normally annexed under legislation, it is possible to find a list of species that are granted protection or whose trade has to be authorized by competent authorities. However, possession of non-native species, sometimes not included on the annexed list of protected or reserved species is a challenge from a legal standpoint.

DEFINITIONS OF ILLEGAL OR STRICTLY REGULATED ACTS	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
Capturing wildlife / Exploitation / Collection of wildlife by-products or derivatives, including active nests, nest trees, host plants and the like / Taking	●	●	●	●	●	●	●	●	●	●
Destruction / Killing or destroying wildlife species	●	●	●	●	●	●	●	●	●	●
Hunting	●	●	●	●	●	●	●	●	●	●
Poisoning, shooting, inflicting injury, harm, trapping	●	●	●	●	●	●	●	●	●	●
Consumption				●		●				
Possession of wildlife by-products or derivatives	●	●	●	●	●	●	●	●	●	●
Artificial Propagation and Commercial Breeding	●	●	●	●	●	●	●	●	●	●
Processing	●	●	●	●	●	●	●			●
Introduction, reintroduction or restocking of endemic or indigenous wildlife/ Introduction of exotic, non –native species/ Introduction from the High-seas	●	●	●		●		●	●		●
Importing	●	●	●	●	●		●	●	●	●
Exporting	●	●	●	●	●	●	●	●	●	●
Re-exporting	●	●	●	●	●		●	●	●	●
Offer for sale	●	●			●			●		
Purchasing	●			●	●		●		●	●
Selling/ trading	●	●	●	●	●	●	●	●	●	●
Trafficking/ Transporting		●	●	●	●	●	●	●	●	●

¹⁰ Cf. John E. Cooper, Margaret E. Cooper and Paul Budgen, “Wildlife crime scene investigation: techniques, tools and technology”, *Endangered Species Research* (2009), p. 1. With further references.

¹¹ The dots represent definitions explicitly used in the laws.

TABLE 2 ELEMENTS OF WILDLIFE AND FOREST CRIMES IN NATIONAL LEGAL FRAMEWORKS ¹²

DEFINITIONS OF ILLEGAL OR STRICTLY REGULATED ACTS	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
Importing	•	•	•	•	•		•	•	•	•
Exporting	•	•	•	•	•	•	•	•	•	•
Re-exporting	•	•	•	•	•		•	•	•	•
Offer for sale	•	•			•			•		
Purchasing	•			•	•		•		•	•
Selling/ trading	•	•	•	•	•	•	•	•	•	•
Trafficking/ Transporting		•	•	•	•	•	•	•	•	•

¹² The dots indicate that there are existing laws for the corresponding items.



Photography by Molly Ferril

3 SUMMARY OF KEY PROVISIONS FOR WILDLIFE CRIME

For the purpose of this Handbook we considered “wildlife and timber trafficking” (WTT) all those acts of trading and dealing in illicit wildlife or timber, be it the selling, importing/exporting/re-exporting or purchasing. Depending on the domestic legal framework, these behaviors can be dealt as administrative cases, or criminal cases, or both. The fact that such commodity (wildlife, wildlife parts, timber or timber-based products) is illicit is determined by the non-compliance with national and international laws and regulations. Where national laws explicitly prescribe criminal penalties (imprisonment or monetary fines) to punish behaviors of non-compliance, we talk of criminalization.

All AMS have criminalized both wildlife and timber trafficking. Wildlife trafficking is a serious crime in all AMS, whether by specific stipulation of their national laws or by compliance with the definition of “serious crime” pursuant to UNTOC (of which all AMS are a party to). In the case of Brunei Darussalam, Malaysia and Thailand, both criteria are satisfied.

As observed in the previous section, all AMS already have relatively comprehensive national CITES enabling laws, covering wildlife and forest crimes that extend beyond wildlife trafficking into the areas such as possession, hunting, confiscation, exploitation and protection of forest and natural habitat. As wildlife crime becomes increasingly transnational and organized in nature, it is encouraging to note that some AMS have included the African Elephant (*Loxodonta africana*) in their list of protected species.

TABLE 3 KEY PROVISIONS OF WILDLIFE LAWS ¹²										
PROVISIONS IN THE CITES ENABLING LAWS	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
1 Criminalization of Trafficking per existing laws or penal provisions of (a) Wildlife; and	●	●	●	●	●	●	●	●	●	●
(b) Timber	●	●	●	●	●	●	●	●	●	●
2 Provisions in the penal code exist which cover/ complement violations of relevant wildlife trafficking	●	●	●	●	●	●	●	●	●	●
3 Wildlife trafficking is a serious crime: (a) punishable by maximum deprivation of four years imprisonment or a more serious penalty; or	●	●	●	●	●	●	●		●	●
(b) as prescribed by national laws	●				●			●	●	
4 Non-native wildlife species protected under the national law regulating CITES implementation	●	●		●	●		●	●	●	●
5 For both native and non-native wildlife species, domestic laws provide the mechanism to review and update the protected species list		●	●	●	●		●	●	●	●
6 Domestic laws set out a system for hunting concessions	●	●	●	●	●	●	●	●	●	●
7 Domestic laws set out rules for the transportation and import/export of wildlife species, including plants (and their derivatives), live animals, dead animals, trophies, animal parts and products made from wildlife	●	●	●	●	●	●	●	●	●	●
8 Domestic laws (i.e. CITES laws) provide rules for possession of illegal wildlife	●	●	●	●	●	●	●	●	●	●

¹² The dots indicate that there are existing laws for the corresponding items.

TABLE 3 KEY PROVISIONS OF WILDLIFE LAWS¹²

PROVISIONS IN THE CITES ENABLING LAWS	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
9 Domestic laws (i.e. CITES laws) provide for confiscation of illegally traded or possession of illegal wildlife	●	●	●	●	●	●	●	●	●	●
10 Confiscated specimens are allowed to be sold		●	●		●	●	●	●	●	●
11 Conservation fund wherein proceeds from seized assets of wildlife offenses go to a dedicated wild life fund, which can be used by enforcement agencies of WENs	●	●	●		●		●			●
12 Domestic laws provide rules for Internet trade in wildlife							●			



Photography by Molly Ferril

¹² The dots indicate that there are existing laws for the corresponding items.

4 REGIONAL COMPARISON OF PENALTIES UNDER EXISTING WILDLIFE LAWS

The following analysis of existing national laws that criminalize the trafficking of wildlife and timber gives an overview of the differences in penalties imposed by the different AMS's policies and legislations. It appears that all AMS have a relatively solid legal foundation to address wildlife and forest crimes (including fisheries). However, the legislative provisions in each country appear to vary significantly as a result of different legal structures and national policies.

The information on maximum imprisonment and fines provides insight into the issue. It is important to recall that according to Article 2 of the UNTOC "serious crimes", these offences are punishable by a maximum deprivation of liberty of at least four years. Table 4 illustrates the maximum penalties associated with crimes committed under each AMS's national wildlife and forest related laws.

ASEAN MEMBER STATES	MAXIMUM IMPRISONMENT TERM	MAXIMUM FINES (USD) ¹³	
		NATURAL PERSONS	LEGAL PERSONS
Brunei Darussalam	5 years	369,822.49	147,929
Cambodia	10 years	37,565.74	62,609.57
Indonesia	10 years	794,786.20	Addition of 1/3 of decided sanction
Lao PDR	5 years	617.13	
Malaysia	10 years	275,558.00	551,116.01
Myanmar	7 years	48.78	
Philippines	20 years	113,404.40	
Singapore	2 years	369,822.49	
Thailand	7 years	183,150.18	
Viet Nam	7 years	46,838.41	93,676.82

From the table above it seems that all AMS provide a maximum penalty of 4-years or more, with Singapore being the sole exception. Yet, Singapore explicitly mentions the relevant offences under the Endangered Species (Import and Export) Act (Act 5 of 2006) and Wild Animals and Birds Act (Cap 351) as serious offences under the Corruption, Drug Trafficking and Other Serious Crimes Act. Therefore, it is clear that within the ASEAN Region, all AMS have sufficient domestic legal provisions to treat wildlife and forest crimes as serious crimes.

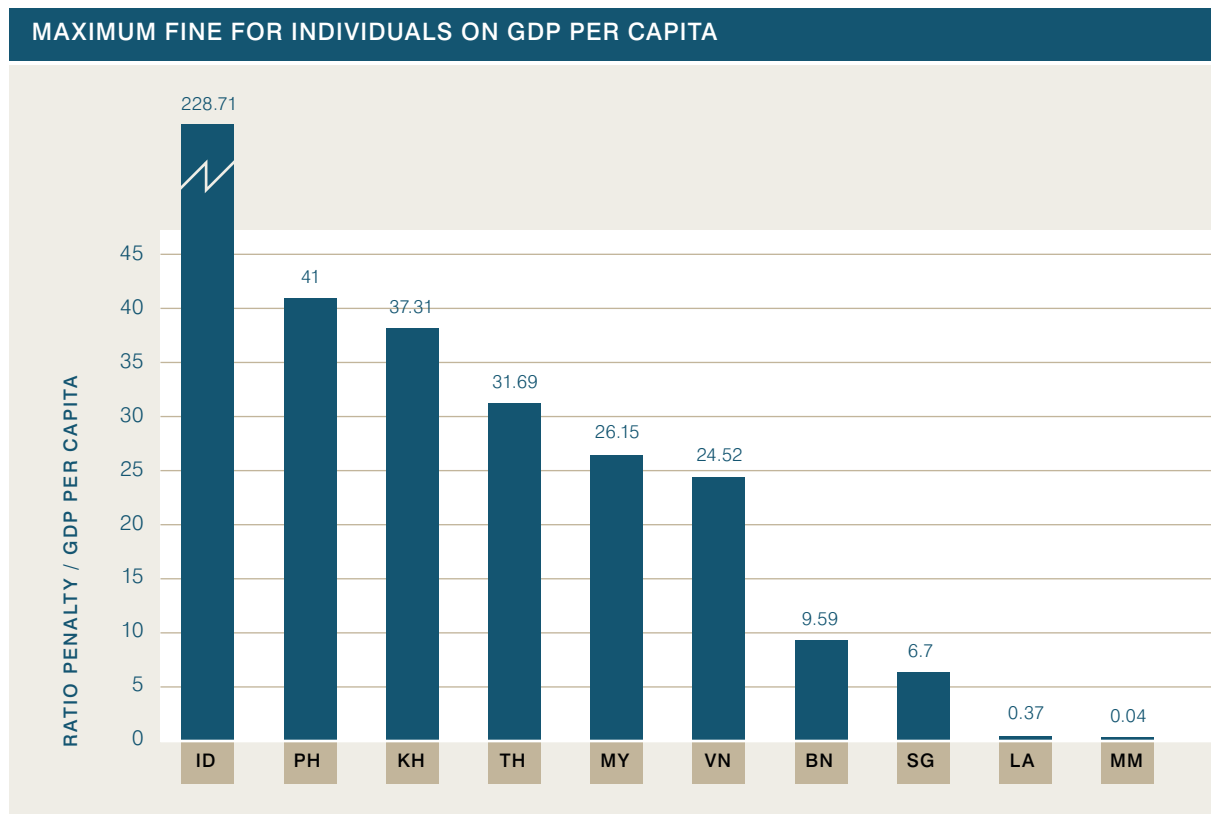
The considerations above, combined with the fact that all AMS are parties to the UNTOC, illustrate that within ASEAN, the UNTOC can be considered as the legal basis for international cooperation in criminal matters in the field of wildlife and forest crimes, especially through mutual legal assistance, information exchange and joint/parallel operations.

¹³ All the fines are converted from local currency into US dollars by using the [UN Exchange Rates from 1/02/2015]

In terms of monetary fines to punish offenders of wildlife and forest crimes, the regional picture is highly diverse. It is also worth noticing that monetary fines are generally a poor indicator of deterrence, as the value of the penalty – even in those countries with the highest fines – can be largely below the actual value of the damage caused to the environment or the profits generated by the offenders.

The chart below shows the ratio between the maximum penalty for wildlife and forest crimes and the GDP per capita in each AMS¹⁴. This indicator is useful to understand, first of all, whether AMS adopt a similar approach to determine the level of monetary penalties. Secondly, it illustrates whether the penalties are set at levels that can be considered appropriate to the wealth of individuals.

The chart below shows that the level of maximum penalties range from 230 times the GDP per capita to 0.4% times the GDP per capita. It is clear that there is no common approach towards the establishment of monetary fines and a higher level of harmonization across the region is necessary to prevent safe havens for transnational offenders.



14 Source: The World Bank, Data, GDP (Current US\$), 2013, available at: <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD>

5 ANTI-MONEY LAUNDERING

Global money laundering activities impose significant costs on the ASEAN Economic Community by damaging the effective operations of national economies. Even in the case of wildlife and timber trafficking there is evidence of cash revenues from the illegal trade of timber and wildlife that enter in the formal financial system to conceal its true origin.

Wildlife and timber trafficking (referred to as “WTT” in table 5) is a predicate crime under the laws governing anti-money laundering activities in 9 out of 10 AMS, other by direct stipulation or by inference. This is significant meaning that the AMS recognize that wildlife trafficking is a part of organized crime activities and should therefore be treated as such by the criminal justice system. It is also an acknowledgement by AMS that wildlife law enforcement goes beyond wildlife laws and requires other non-wildlife specific laws. Collaboration between different relevant agencies has become inevitable, if not imperative, in the fight against transnational and organized wildlife trafficking.

A review of the data presented in Table 5 reveals that all the AMS have specific legislation in place to criminalize money laundering offences. However, each State has adopted its own approach to AML and the compliance with the standards set by the Financial Action Task Force (FATF) remains a challenge. A case in point is represented by FATF recommendations 30 and 31, which encourage the mandatory use of financial investigations and money laundering prosecutions in parallel with investigations into every predicate crime. Compliance with these recommendations remain uneven either in terms of legal provisions or in terms of enforcement.

The maximum term of imprisonment for violation of AML laws varies widely, from 5 years in Cambodia and Malaysia to 20 years in Indonesia. Also the information on maximum fines indicate a wide range of penalties, between \$6,105 USD in Thailand to almost \$40 million USD in Indonesia. It is clear that AMS would largely benefit from the harmonization of penalties to prevent the flow of illicit financial transactions.

Without adequate compliance with regional standards, launderers may find an incentive to operate through countries where financial investigations and AML prosecutions are not consistently initiated or where penalties are particularly low.

TABLE 5 REGIONAL ANTI-MONEY LAUNDERING LAWS					
ASEAN MEMBER STATES	NATIONAL LAW ON ANTI-MONEY LAUNDERING	MAXIMUM FINES (USD) ¹⁵		MAX IMPRISONMENT	WTT AS PREDICATE OFFENCE
		NATURAL PERSONS	LEGAL PERSONS		
Brunei Darussalam	Criminal Asset Recovery Order, 2012 Section 3	369,823	739,646	10 years	●
Cambodia	Law on Anti-Money Laundering and Combatting financing of Terrorism (NS/RKM/0607/014) and its amendments Article 29	25,044 or the value of fund or property which was the subject to money laundering	125,220	5 years	●
Indonesia	Act. No. 8 / 2010 on Prevention and Eradication of Money Laundering Article 3-5	39,739,310	79,478,620	20 years	●
Lao PDR	Penal Law, 2005, Article 64	one third of the laundered amount		3 years	●
	Law on Anti-Money Laundering and Counter-Financing of Terrorism, February 2015 Article 66	86,398		10 years	
Malaysia	Anti-Money Laundering and Anti-Terrorism Financing Act, 2001 Article 4	1,377,790		5 years	●

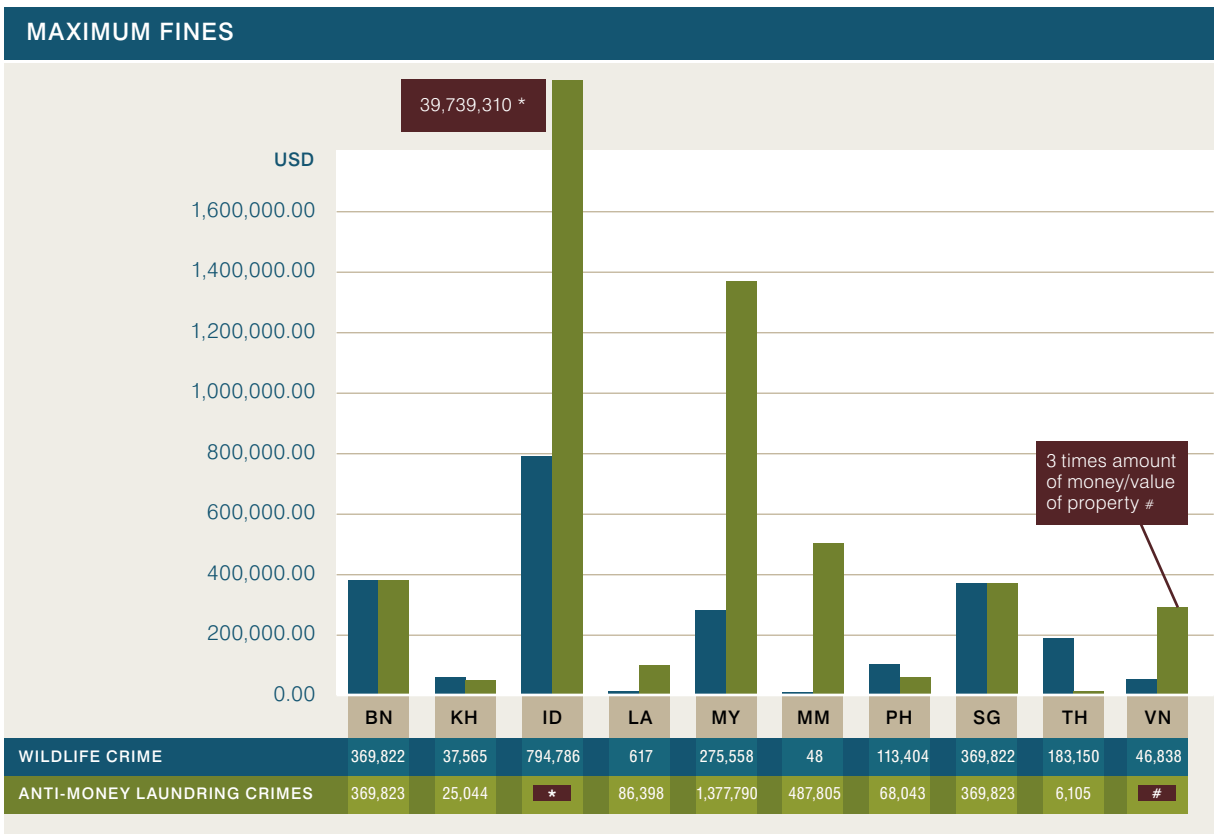
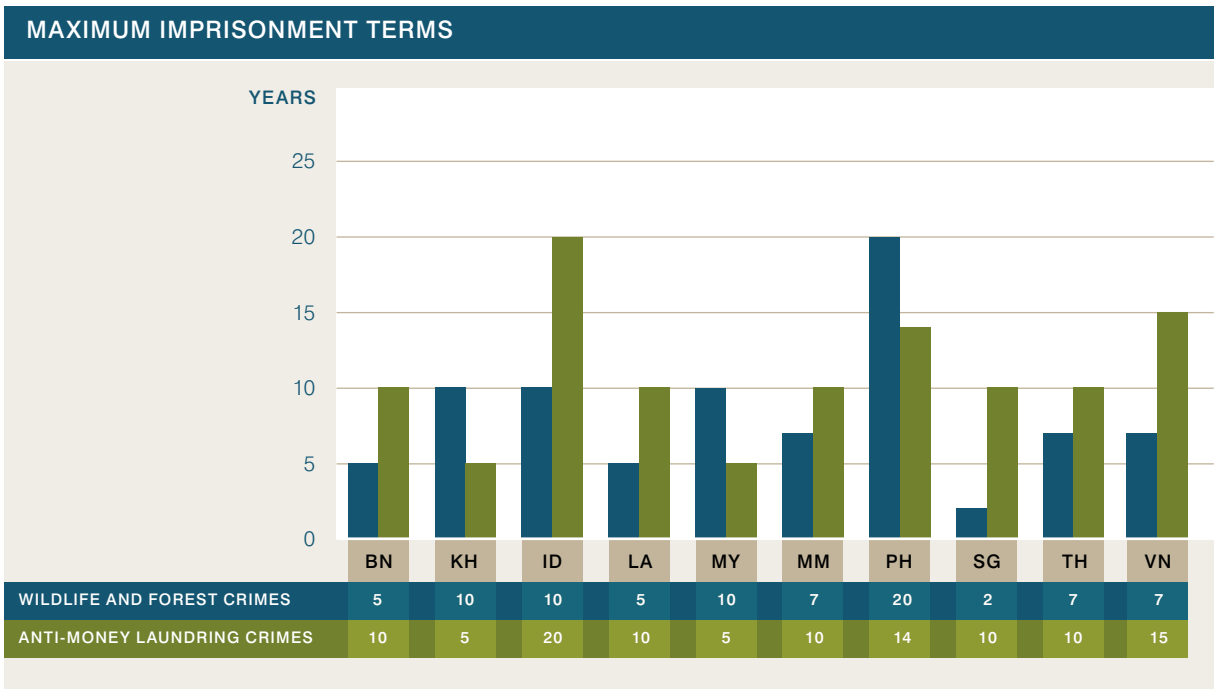
15 All the fines are converted from local currency into US dollars by using the (UN Exchange Rates from 1/02/2015).

TABLE 5 REGIONAL ANTI-MONEY LAUNDERING LAWS

ASEAN MEMBER STATES	NATIONAL LAW ON ANTI-MONEY LAUNDERING	MAXIMUM FINES (USD) ¹⁵		MAX IMPRISONMENT	WTT AS PREDICATE OFFENCE
		NATURAL PERSONS	LEGAL PERSONS		
Myanmar	Anti-Money Laundering Law, 2014 Section 43-52		487,805	10 years	
	The Control of Money Laundering Law (The State Peace and Development Council Law No. 6/2002) 1364 M.E. Section 22			Unlimited period	
Philippines	Anti-Money Laundering Act, RA 9160, as amended/ 29 September 2001 Section 14	68,043 or twice the value of the monetary instrument or property involved in the offense		14 years	●
Singapore	Monetary Authority of Singapore Act, Chapter 186, 1970, revised in 1999 Section 27B		739,646 In the case of a continuing offence, further fine of 73,9645 for every day during which the offence continues after conviction		●
	Moneylenders (Prevention of Money Laundering and Financing of Terrorism) Rules 2009, 2008 Section 11	73,965			
	Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A, 1992, revised in 2000 Section 47	369,823	739,646	10 years	
Thailand	Anti-Money Laundering Act B.E. 2542 (1999)- as amended to Anti-Money Laundering Act (No.4) B.E. 2556 (2013)- (Consolidated Counter-terrorism Financing Act B.E. 2556) (2013) Chapter VII (Sections 60-61)	6,105	30,525	10 years	●
Viet Nam	Law on Prevention and fighting against money laundering No.07/2012/QH13 Article 35				●
	Penal Code, 1999 Article 251	Treble the amount of money or the value of the property		15 years	

¹⁵ All the fines are converted from local currency into US dollars by using the (UN Exchange Rates from 1/02/2015).

CHARTS: REGIONAL COMPARISON OF PENALTIES UNDER EXISTING NATIONAL WILDLIFE-RELATED LAWS AND ANTI-MONEY LAUNDERING LAWS



In countries where the penalties for wildlife crime are low, the authorities could consider the relevance of anti-money laundering laws and also to cooperate with the financial investigation units to ensure proceeds of illegal wildlife trafficking are traced.

What is clear from the above information is that AMS would largely benefit from the harmonization of penalties to prevent the flow of illicit financial transactions and creating safe havens for the criminals.

6 INSTRUMENTS OF REGIONAL COOPERATION

International cooperation in criminal matters among criminal justice systems is an essential prerequisite to combat transnational organized crime. Informal and formal methods of international cooperation are important to deprive traffickers of their safe havens. There are different forms of international cooperation such as extradition, mutual legal assistance, transfer of criminal proceedings, transfer of sentenced persons, joint investigations, etc. Some of these forms of cooperation can complement each other with a view to ensure that the widest measure of assistance is afforded in investigations, prosecutions and judicial proceedings of criminal cases. Judicial cooperation in criminal matters provides a more formal framework for cooperation compared with the cooperation in law enforcement. The tools available are based on bilateral and multilateral agreements or – in absence of such agreements – directly on national laws¹⁶. This section analyses specifically the cooperation within ASEAN through Mutual Legal Assistance and Extradition.

A MUTUAL LEGAL ASSISTANCE

MLA is the formal procedure by which actors of the criminal justice system cooperate across borders to conduct criminal investigations and collect evidence. MLA is primarily governed by international law where bilateral or multilateral treaties impose obligations on states to cooperate under specific circumstances and to a certain extent. For procedural reasons, most countries enact national legislation to either codify a treaty, or to set a universal framework for all MLA requests. This development has been driven by an urge to improve international cooperation in the suppression of transnational crime and to avoid the often highly time consuming procedure of “lettres rogatoire” through diplomatic channels. Normally, national legislation on MLA concern both providing assistance and requesting it.

National legislation usually requires the existence of a bilateral or multilateral treaty that regulates the assistance on an international level or a reciprocal guarantee. The most prominent example of such a treaty is the United Nations Convention on Transnational Organized Crime (“UNTOC”). The UNTOC contains detailed provisions on MLA and could be used as a basis. In practice though, states have generally wanted a bilateral treaty with the requested or requesting state. The same thing is true of the United Nations Convention Against Corruption (“UNCAC”).

In 2004, the Member States of ASEAN enacted the Treaty on Mutual Legal Assistance in Criminal Matters by Like-Minded ASEAN Member Countries. Depending on the legal system of each individual Member State, it might be required to enact national legislation to ensure the effectiveness and applicability of the treaty. Today, seven out of ten Member States have such domestic legislation. Regardless of whether or not the national legal system – monist or dualist – require the incorporation of international law in domestic legislation to become binding or not, such legislation can have great effects.

In terms of wildlife and timber trafficking (referred to as “WTT” in table 6), these crimes are eligible for requests of MLA in all AMS, with the exception of Cambodia – which has limited the eligibility of MLA to drug-related offences only – and the Philippines – where MLA is applicable only in anti-money laundering cases.

In conclusion, for the effective application of the treaty, it is necessary to have both a comprehensive treaty in place as well as national legislation setting out the procedure domestically. Especially important for a speedy procedure is to have clear channels of communication and designated authorities to deal with requests.

B EXTRADITION

Extradition is the formal surrender of a person by a state to another state for prosecution or punishment. For a long time, extradition was largely a matter of reciprocity. Even now, in the absence of a binding treaty, there is no international obligation to extradite. However there is a growing trend towards recognizing the duty to extradite or prosecute, in particular with certain international crimes¹⁷.

Extradition is in many ways similar to MLA, but it is in general subject to more stringent safeguards – both on a treaty level and with reference to international human rights law – for the individual involved because of the extensive consequences it can have. The same international treaties that provide legal basis for MLA – UNTOC and UNCAC – are applicable to extradition if Parties expressly request so. However, a major difference with the MLA regime is that there is no regional legal instrument that concerns extradition. The ASEAN MLA-treaty explicitly in Article 2 states that it is not applicable to extradition.

¹⁶ *Anti-human trafficking manual for criminal justice practitioners, Module 6, UNODC/ UN.GIFT.*

¹⁷ *Anti-human trafficking manual for criminal justice practitioners, Module 6, UNODC/ UN.GIFT.*

TABLE 6 INSTRUMENTS OF REGIONAL COOPERATION

ASEAN MEMBER STATES	NATIONAL LAW ON EXTRADITION	NATIONAL LAW ON MUTUAL LEGAL ASSISTANCE	WTT ELIGIBLE FOR MLA	RESPONSIBLE AUTHORITY ¹⁸
Brunei Darussalam	Extradition Order, 2006	Mutual Assistance in Criminal Matters Order (2005)	●	Attorney General's Chambers
	Extradition (Malaysia and Singapore) Act (Chapter 154) and Rules			
	Summonses and Warrants (Special Provisions) Act, Chapter 155			
Cambodia	Criminal Procedure Code (Chapter 2, Part I)	None		Ministry of Justice
	Extradition (Kingdom of Cambodia) Regulations 2003, Statutory Rules 2003 No. 34			
	Extradition Act, 1988			
Indonesia	Law on Extradition (Law No.1 of 1979)	Law on Mutual Legal Assistance in Criminal Matters (Law n.1 of 2006)	●	Department of Law and Human Rights
Lao PDR	Criminal Procedure Law, 2004, Part XI	Criminal Procedure Law, 2004, Article 5, 117-120	●	Ministry of Justice
	Law on Extradition, 2012	Law on Anti-Money Laundering and Counter-Financing Terrorism 2015 Articles 44-49		
Malaysia	Extradition Act, 1992	Mutual Assistance in Criminal Matters Act (Act. 621 of 2002)	●	Attorney General
Myanmar	Burma Extradition Act, 1904	Mutual Assistance in Criminal Matters Law (Law no. 4/2004);	●	Ministry of Home Affairs
		Mutual Assistance in Criminal Matters Rules, 2014		
Philippines	Extradition Law, 1977 (Presidential Decree 1069)	None		Department of Justice
Singapore	Extradition Act, Chapter 103, 1968 (Chapter 103)	Mutual Assistance in Criminal Matters Act (Act 12 of 2000, as amended)	●	Attorney General's Chambers
	Extradition (Hong Kong SAR of the People's Republic of China) Notification, 1998, revised in 2000			
Thailand	Extradition Act B.E. 2551 (2008)	Act on Mutual Assistance in Criminal Matters BE 2535 (1992)	●	Attorney General,
Viet Nam	Law on Legal Assistance (Law No. 08/2007/QH12)	Law on Legal Assistance (Law No. 08/2007/QH12)	●	The Supreme People's Procuracy of Viet Nam

¹⁸ Source: *Criminal Justice and Law Enforcement Cooperation Among ASEAN Member States: An Analysis of Mutual Legal Assistance Capacity*, UNODC, 2014

Most AMS have legislative provisions in place allowing bilateral agreements on extradition and all of them, with the exception of Myanmar, have negotiated and concluded a number of bilateral extradition treaties with one another. Thailand has signed the highest number of extradition agreements with neighbors within ASEAN (5).

Bilateral extradition treaties can be tailored to meet the needs of the signatory countries and they are also easy to amend to meet future needs. The ratification of these treaties is vital for jurisdictions that do not want to become 'safe havens' for offenders and/or fugitives. The major constraint in their adoption is the significant amount of time and resources their negotiation requires. This is probably the reason why the number of bilateral treaties within the ASEAN Community remains low.

Nevertheless, this gap is increasingly being closed as more ASEAN Member States have been ratifying the major UN crime conventions, such as the one on Transnational Crime and the one against Corruption. It is really important for all AMS to continue moving towards the ratification of those conventions and the negotiation of bilateral extradition treaties in order to close the remaining gap.

	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
BN					●			●		
KH				●					●	●
ID					●		●		●	●
LA		●							●	●
MY	●		●						●	
MM										
PH			●						●	
SG	●									
TH		●	●	●	●		●			
VN		●	●	●						

* As at 31 March 2015.

CONCLUSION

Existing literature indicates that the trafficking in wildlife and timber is a profitable and expanding business for transnational criminal groups within the ASEAN Region. The transnational nature of these crimes and its well organized perpetrators have been growing over the last decade.

An increasing number of political statements, resolutions and declarations are therefore attempting to build the base for a regional response to the issue.

At the national level, all AMS contain in their domestic legal frameworks specific provisions to criminalize wildlife and timber trafficking. Despite differences among the legal frameworks of each AMS, there are significant amounts of similarities among the key criminal provisions to prosecute wildlife and timber trafficking. Such crimes can be considered as a “serious crime” in all domestic legal frameworks and as such it qualifies to be a predicate offence for anti-money laundering investigations.

At the regional level, the AMS enjoy a high level of adherence to key international agreements to promote international cooperation on criminal matters. In particular, all AMS are parties to UN Convention on Transnational Organized Crime, International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation and to the ASEAN Mutual Legal Assistance Treaty in Criminal Matters. Such international commitments combined with existing provisions in the domestic frameworks provide sufficient legal infrastructures for extensive cooperation at the law enforcement, prosecutorial, and judicial level.

The absence of an international or regional agreement specialized in combating the trafficking in wildlife and timber should not preclude the existing opportunities for cooperation. Nonetheless this Handbook identifies a need to harmonize norms and regulations to investigate and prosecute these crimes, especially through regional standards for criminal penalties, harmonization of species list and definitions of wildlife and wildlife crimes.



NATIONAL LAWS: INTRODUCTION

The main objective of each paper on national laws is to provide an overview of the legal framework on the investigation and prosecution of wildlife crimes¹ within each AMS. To the extent available to us, regulations and subsidiary legislations are included.

The chapters on each AMS laws consist of the following sections:

1. International conventions, treaties and agreements;
2. List of bilateral/ multilateral agreements and/or MOUs signed with other countries (where available);
3. Key provisions of wildlife laws;
4. Key provisions of other national laws; and
5. Penalties:
 - a. Penalties under existing national laws on wildlife crime;
 - b. Penalties under other national laws

Wildlife crime requires that one looks at laws and agencies other than wildlife laws. This is especially true when it is transnational wildlife crime. Further, in cases where penalties are inadequate or where another law enforcement agency may have more resources, capacity or jurisdiction to investigate, and prosecute such crimes, laws such as custom laws, anti-money laundering laws, anti-corruption laws are particularly useful as they often cover organized crimes and the penalties are much higher.

We have also included flowcharts on the criminal and legal process for each AMS.

The lists of relevant national laws referred to are provided as an annex to each AMS' national law paper.

Each national paper has a contents page for a quick reference on the provisions covered.

However, it is recognized that other relevant laws and regulations may exist that have not been considered here. Further, many laws are extracted from translated documents (official and unofficial) and may create subjective interpretation of the provisions therein. Inaccurate translations may also cause confusion in the process of the review. One must also bear in mind that there are many interpretations given by court jurisprudence in each country that may not have been captured by a simple analysis of the legal texts. This is particularly true for those ASEAN member States whose legal systems are based on common law.

Each national paper gives an overview of the legal framework available for combating wildlife crime in the relevant AMS by extracting the relevant provisions in the laws. For practical reasons, the full provisions may not be shown in this paper. The objective is to bring the awareness to the existence of such provisions and further reference can be made to the actual laws. The review considers only the text of the law, not how it is implemented in practice.

Therefore, the papers on national laws should be considered as providing a baseline for further research and analysis.

¹ While the focus is on wildlife laws, forestry and fisheries laws are included where possible under the wildlife law sections.



NATIONAL LAWS BRUNEI

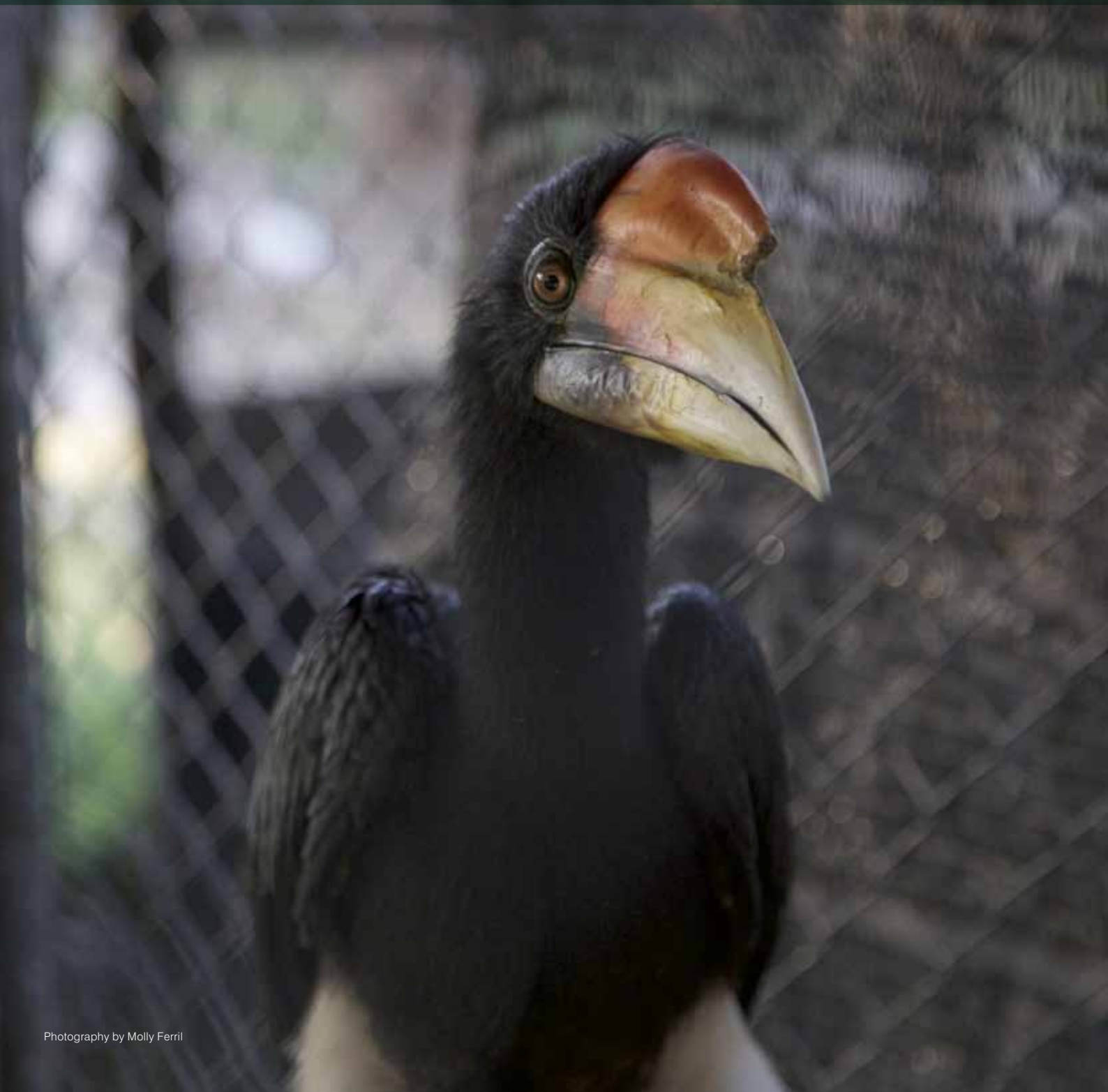


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1 EXECUTIVE SUMMARY

WILDLIFE LAWS

Brunei has been a member of CITES since 1990.

The Wild Fauna and Flora Order (2007) is the national legislation to support the enforcement of CITES in Brunei. It mostly succeeds in fulfilling the basic requirements of CITES. The law criminalizes wildlife trafficking, designates the Management and Scientific Authorities, describes their tasks, correctly includes the Scientific Authority in the permit process, incorporates all specimens of CITES listed species, confers comprehensive powers to the enforcement officers and penalizes illegal possession. These are considered as the main strengths.

Exemptions are made for dead specimens of species listed in Appendix I and II species as personal or household effects being introduced into Brunei or exported or re-exported therefrom, unless acquired outside Brunei. This raises the question: What does “acquired outside Brunei Darussalam” mean? The impact of this exemption is possibly a loophole when it comes to possession of dead specimens of both native and non-native species. High demand wildlife products such as ivory, rhino horns and pangolin scales and meat are at risk of being laundered into and out of Brunei as personal and household effects.

While the Wild Fauna and Flora Order (2007) provided for permit requirements on the export or re-export of specimens of any species listed in Appendix II or III², it is silent on the act of captive breeding or artificial propagation of CITES species. It also does not have provisions on zoos. Further studies need to be made to determine whether there are other laws or regulations governing such activities.

It is noted that in addition to the Wild Fauna and Flora Order (2007), law enforcers can also rely on the Wildlife Protection Act (Chapter 182), the Forest Act (Chapter 46) and the Fisheries Order (2009) to protect native flora and fauna.

PENALTIES UNDER WILDLIFE LAWS

Under Brunei’s wildlife laws, the maximum imprisonment term for wildlife crime is 5 years, which meets the threshold under the UNTOC for it to qualify as a serious crime³. This is important in the context of combating the transnational nature of wildlife crime. The maximum fine for wildlife crime is USD 369,822.49. This may be an area that can be improved as given the value of illegal wildlife trade, the amount may be too low to be an effective deterrence for the criminals, in particular in cases of organized syndicates.

INTERNATIONAL COOPERATION AND OTHER LAWS

It is noteworthy that Brunei has a high rate of adherence to the relevant international treaties⁴. Relevant laws have been passed or were already in existence to comply and complement the respective treaties. Notwithstanding that Brunei is not a party to some of the listed conventions, it has laws on the relevant topics.

Brunei has relatively robust laws and penalties on anti-money laundering activities and wildlife trafficking is a predicate crime under such laws⁵. With organized syndicates increasing involvement in wildlife trafficking, Brunei shall definitely benefit from inter-agencies and regional cooperation in the fight against transnational and organized wildlife crime.

¹ Article 27, *Wild Fauna and Flora Order (2007)*.

² See article 28 of the *Wild Fauna and Flora Order (2007)*.

³ In accordance with Article 2 of the UNTOC.

⁴ See section 2 on *International convention, treaties and agreements: relevant laws*

⁵ Article 3, *Criminal Asset Recovery Order, 2012*.

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF ACCESSION: 02/08/1990</p>
<ul style="list-style-type: none"> a. Wild Life Protection Act, Chapter 102 b. Wild Fauna and Flora Order, 2007 c. Customs Order, 2006 d. Fisheries Order, 2009 e. Forest Act, Chapter 46 	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF ACCESSION: 25/03/2008</p>
<ul style="list-style-type: none"> a. Penal Code, Chapter 22 b. Criminal Asset Recovery Order, 2012 c. Anti Terrorism Order, 2011 d. Arms and Explosives Act, 2002 e. Public Order Act, 2013 f. Mutual Assistance in Criminal Matters Order, 2005 g. Extradition Order, 2006 h. International Transfer of Prisoners Order, 2011 	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF ACCESSION: 2/12/2008</p>
<ul style="list-style-type: none"> a. Prevention of Corruption Act, Chapter 131 b. Penal Code, Chapter 22 	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF RATIFICATION:</p>
<p>As of 13 February 2015, Brunei is not a member of this convention.</p> <ul style="list-style-type: none"> a. Customs Order, 2006 	
<p>5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995</p>	<p>DATE OF RATIFICATION: 1/01/1995</p>
<ul style="list-style-type: none"> a. Public Health (Food) Act, Chapter 182 	

6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL	DATE OF ACCESSION: 28/04/2008
<ul style="list-style-type: none"> a. Fisheries Order, 2009 b. Forests Act, Chapter 46 c. Agricultural Pests and Noxious Plants Act, Chapter 43 d. Prevention of Pollution of the Sea Order, 2005 	
7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972	DATE OF ACCESSION: 12/08/2011
<ul style="list-style-type: none"> a. Antiquities and Treasure Trove Act, Chapter 31 	
8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2004	DATE OF SIGNING: 29/11/2004 DATE OF ACCESSION: 2/02/2006
<ul style="list-style-type: none"> a. Mutual Assistance in Criminal Matters Order, 2005 b. Extradition Order, 2006 	
9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION - THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012	DATE OF ACCESSION:
<p>As of February 2015, Brunei is not a member/ observer of the FATF. It is however a member of the Asia Pacific Group on Money Laundering, which is a FATF style regional body (FSRB) since December 2002 and hence is bound by FATF decisions and standards.</p> <ul style="list-style-type: none"> a. Criminal Asset Recovery Order, 2012 	
10 CONVENTION ON CYBERCRIME, BUDAPEST, 1 JULY 2004 (BUDAPEST CONVENTION ON CYBERCRIME)	DATE OF RATIFICATION:
<p>As of February 2015, Brunei is not a signatory to this Convention</p> <ul style="list-style-type: none"> a. Computer Misuse Act 2007, Chapter 194 	
11 BIOLOGICAL AND TOXIN WEAPONS CONVENTION (BWC) 1972	DATE OF ACCESSION: 31/01/1991
<ul style="list-style-type: none"> a. Infectious Diseases Act, Chapter 204 b. Biological Weapons Act, Chapter 87 c. Workplace Safety and Health Order, 2009 d. Penal Code, Chapter 22 	

3 KEY PROVISIONS OF WILDLIFE LAWS

3.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A Wild Life Protection Act, Chapter 182	
AGENCY	Ministry of Culture, Youth and Sports
ARTICLE NO.	PROVISIONS
8	(1) No persons, other than the holder of an appropriate licence issued under this Act shall sell or offer for sale or have in his possession any protected animal or any trophy or flesh thereof; unless the same has been lawfully acquired.
9	No person shall export any animal specified in the First Schedule, except under and in accordance with the conditions of a licence issued under this Act.
B Wild Flora and Fauna Order 2007	
AGENCY	Wildlife Division, Ministry of Primary Resources And Tourism
ARTICLE NO.	PROVISIONS
47	Trading in species without permit or certificate (1) Any person who- a. trades in any specimen of any species listed in Appendix I without the appropriate permit or certificate granted under any of sections 10 to 13; b. trades in any specimen of any species listed in Appendix II without the appropriate permit or certificate granted under any of sections 14 to 17; or c. trades in any specimen of any species listed in Appendix III without the appropriate permit or certificate granted under any of sections 18 to 21, is guilty of an offence.
48	Possession of specimens of species (1) Any person who has in his possession or has under his control though the custody of another, any specimen of any species listed in the Appendix that he knows or has reasonable ground for suspecting- a. has been imported or introduced from the sea into Brunei Darussalam otherwise than in accordance with this Order; or b. is intended to be exported or re-exported from Brunei Darussalam otherwise than in accordance with this Order, is guilty of an offence.
49	Failure to comply with conditions of permit or certificate Any person who fails to comply with any of the conditions specified by the Director in respect of any permit or certificate granted to him under Part I is guilty of an offence (...)
50	Making false statements Any person who, for the purpose of procuring anything to be done or not to be done under Parts I, II or III, whether for his own benefit or for the benefit of any other person- a. makes a statement that he knows to be false in a material particular; or b. recklessly makes a statement that is false in a material particular, is guilty of an offence(...)
51	Obstruction and hindering of authorised officer Any person who intentionally obstructs or hinders any authorised officer in the performance of his duty under this Order or any regulations made hereunder is guilty of an offence (...).

C Forest Act, Chapter 46	
AGENCY	Department of Forestry, Ministry of Primary Resources and Tourism
ARTICLE NO.	PROVISIONS
19	<p>Acts prohibited in reserved forest.</p> <p>Subject to the provisions of section 21, no person shall in a reserved forest —</p> <ol style="list-style-type: none"> a. graze cattle or permit cattle to graze; b. fell, cut, ring, mark, lop or tap any tree or injure by fire or otherwise or remove any tree or timber; c. cause any damage by negligence in felling any tree or cutting or dragging any timber; d. search for, collect, subject to any manufacturing process or remove any forest produce or minerals; e. clear or break up any land for cultivation or any other purpose; f. poison or dynamite, water; or hunt, shoot, fish or set traps or snares; or g. trespass in any manner not otherwise prohibited in this section.
20	<p>Prohibition as to fire.</p> <p>Subject to the provisions of section 21, no person shall kindle, keep or carry any fire, or leave any fire burning, whether within or outside a reserved forest, in such a manner as to endanger the reserved land.</p>
26	<p>Offences in reserved forest.</p> <p>Subject to the provisions of section 21 —</p> <ol style="list-style-type: none"> (1) whoever commits an offence against the provisions of section 19(b), (d) or (e) or against the provisions of section 7 and whoever kindles, keeps or carries any fire burning in contravention of section 20 or of any instructions to ensure the safety of reserved forests which the Director may notify in the manner prescribed by rule made under section 52(2) (v), is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years; (2) whoever commits an offence against the provisions of section 19(a) or (c) is guilty of an offence and liable on conviction to a fine and imprisonment for one year; (3) whoever commits an offence against the provisions of section 19(f) is guilty of an offence and liable on conviction to a fine and imprisonment for one year; (4) whoever commits an offence against the provisions of section 19(g) is guilty of an offence and liable on conviction to a fine and imprisonment for one year.
26A	<p>Prohibition on taking of forest produce from reserved forest unless licensed etc.</p> <ol style="list-style-type: none"> (1) No person shall take any forest produce from a reserved forest except under the authority of a licence or a use permit issued by the Director or in accordance with any other written law. (2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$500,000, imprisonment for a term not exceeding 5 years or both. (3) Any person convicted of an offence under subsection (2) may, in addition to any penalty imposed on the conviction, be ordered to pay, in respect of any forest produce unlawfully taken, to the Government — <ol style="list-style-type: none"> a. a sum not exceeding ten times the royalty, premium and cess; b. a sum not exceeding ten times the value of such forest produce; and c. any other charges payable.
27	<p>Unlawful possession of forest produce.</p> <ol style="list-style-type: none"> (1) Any person found in possession of any forest produce upon which the royalty or other payment to the Government due in respect of such forest produce has not been paid or made is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years.

C Section continued

ARTICLE NO.	PROVISIONS
	<p>(2) In any prosecution under this section the onus of proving that the royalty or other payment in respect of such forest produce has been paid or made shall be upon the person found in possession of such forest produce.</p>

D Fisheries Order 2009

AGENCY	Department of Fisheries, Ministry of Industry and Primary Resources (Investigations)
ARTICLE NO.	PROVISIONS
27	<p>Offence to do certain acts without a licence.</p> <p>(1) Any person who, in any marine reserve or marine park, without a licence -</p> <ol style="list-style-type: none">fishes or attempts to fish;takes, removes or is in possession of any aquatic flora and fauna or part thereof, whether dead or alive;collects or is in possession of any coral, dredges or extracts any sand or gravel, discharges or deposits any pollutant, alters or destroys the natural breeding grounds or habitat of aquatic life, or destroys any aquatic life;constructs or erects any building or other structure on or over any land or waters within a marine reserve or marine park;anchors any vessel by dropping any kind of weight on or by attaching any kind of rope or chain to, any coral, rock or other submerged object; ordestroys, defaces or removes any object, whether animate or inanimate, in a marine reserve or marine park, <p>is guilty of an offence.</p>
31	<p>Fishing with explosives etc.</p> <p>(1) Any person who -</p> <ol style="list-style-type: none">uses or attempts to use any explosive, poison, pollutant or other noxious substance, apparatus, prohibited gear or any other thing, for the purpose of killing, stunning, disabling or catching fish, or in any other way rendering such fish more easily caught;carries or has in his possession or under his control any explosive, poison, pollutant or other noxious substance, apparatus, prohibited gear or any other thing, with the intention of using such explosive, poison, pollutant or other noxious substance, apparatus, prohibited gear or thing, for any of the purposes referred to in paragraph (a); oris found in possession of or receives, any fish that is a prohibited species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora [CITES) has been taken in contravention of the provisions of this Order, knowing or having reasonable cause to believe that it is such a fish, <p>is guilty of an offence.</p> <p>(2) Any explosive, poison, pollutant or other noxious substance, apparatus or prohibited gear or any other thing referred to in subsection (1) found in the possession or under the control of any person shall be presumed to be intended to be used for any of the purposes referred to in subsection (1)(a) unless the contrary is proved.</p>
32	<p>Aquatic mammals.</p> <p>(1) No person shall fish for, disturb, harass, catch, sell or otherwise dispose of or take any aquatic mammal which is found in Brunei Darussalam waters.</p> <p>(2) Where any aquatic mammal is caught or taken unavoidably during fishing, such aquatic mammal shall be released immediately or, if it is dead, the catching or taking thereof shall be reported to any officer authorised in writing in that behalf by the Director and the aquatic mammal shall be disposed of in accordance with such directions as the Director may determine.</p> <p>(3) Any person who contravenes this section is guilty of an offence.</p>

3.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT /ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

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AGENCY	There is currently no such taskforce. Brunei Darussalem uses existing mechanisms such as the PROTAP SALIMBADA Meeting coordinated by the Forestry Department, Ministry of Industry and Primary Resources to discuss issues that may arise on Wildlife Enforcement/ Protection.
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3.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY AT LEAST FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY¹ OR BY LAW

A *Criminal Asset Recovery Order, 2012*

AGENCY	Brunei Police Force
ARTICLE NO.	PROVISIONS
2	<p>Serious Offence means an offence against a provision of-</p> <ol style="list-style-type: none"> a. any written law of Brunei Darussalam for which the maximum penalty is death, imprisonment for a term not less than 6months, fine not less than \$1,000 or more severe penalty; b. a written law of a foreign country, in relation to acts or omissions which, had they occurred in Brunei Darussalam, would have constituted an offence for which the maximum penalty is imprisonment for a term not less than 6months or more severe penalty including an offence of a purely fysical character.

B *Wild Flora and Fauna Order, 2007*

AGENCY	Wildlife Division, Ministry of Primary Resources and Tourism
ARTICLE NO.	PROVISIONS
47	<p>Trading in species without permit or certificate.</p> <ol style="list-style-type: none"> (1) Any person who- <ol style="list-style-type: none"> a. trades in any specimen of any species listed in Appendix I without the appropriate permit or certificate granted under any of sections 10 to 13; b. trades in any specimen of any species listed in Appendix II without the appropriate permit or certificate granted under any of sections 14 to 17; or c. trades in any specimen of any species listed in Appendix III without the appropriate permit or certificate granted under any of sections 18 to 21, is guilty of an offence. (2) Any person who commits an offence against subsection (1)(a) is liable on conviction - <ol style="list-style-type: none"> a. in the case of an individual, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both; b. in the case of a body corporate, to a fine not exceeding \$200,000. (3) Any person who commits an offence against subsection (1)(b) is liable on conviction - <ol style="list-style-type: none"> a. in the case of an individual, to imprisonment for a term not exceeding 3 years, a fine not exceeding \$50,000 or both; b. in the case of a body corporate, to a fine not exceeding \$100,000. (4) Any person who commits an offence against subsection (1)(c) is liable on conviction - <ol style="list-style-type: none"> a. in the case of an individual, to a fine not exceeding \$37,500; b. in the case of a body corporate, to a fine not exceeding \$75,000.

¹ Per definition in UNTOC

B Section continued

ARTICLE NO.	PROVISIONS
48	<p>Possession of specimens of species.</p> <p>(1) Any person who has in his possession or has under his control though under the custody of another, any specimen of any species listed in the Appendix that he knows or has reasonable grounds for suspecting -</p> <ol style="list-style-type: none">has been imported or introduced from the sea into Brunei Darussalam otherwise than in accordance with this Order; oris intended to be exported or re-exported from Brunei Darussalam otherwise than in accordance with this Order, <p>is guilty of an offence.</p> <p>(2) Any person who commits an offence against subsection (1) in respect of a specimen of any species listed in Appendix I is liable on conviction</p> <ol style="list-style-type: none">in the case of an individual, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both;in the case of a body corporate, to a fine not exceeding \$200,000. <p>(3) Any person who commits an offence against subsection (1) in respect of a specimen of any species listed in Appendix II is liable on conviction</p> <ol style="list-style-type: none">in the case of an individual, to imprisonment for a term not exceeding 3 years, a fine not exceeding \$50,000 or both;in the case of a body corporate, to a fine not exceeding \$100,000. <p>(4) Any person who commits an offence against subsection (1) in respect of a specimen of any species listed in Appendix III is liable on conviction -</p> <ol style="list-style-type: none">in the case of an individual, to a fine not exceeding \$37,500;in the case of a body corporate, to a fine not exceeding \$75,000.

C Forests Act Chapter 46

AGENCY	Department of Forestry, Ministry of Primary Resources and Tourism
ARTICLE NO.	PROVISIONS
26	<p>Offences in reserved forest.</p> <p>Subject to the provisions of section 21 —</p> <p>(1) whoever commits an offence against the provisions of section 19(b), (d) or (e) or against the provisions of section 7 and whoever kindles, keeps or carries any fire burning in contravention of section 20 or of any instructions to ensure the safety of reserved forests which the Director may notify in the manner prescribed by rule made under section 52(2)(v), is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years;</p>
26A	<p>Prohibition on taking of forest produce from reserved forest unless licensed etc.</p> <p>(1) No person shall take any forest produce from a reserved forest except under the authority of a licence or a use permit issued by the Director or in accordance with any other written law.</p> <p>(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$500,000, imprisonment for a term not exceeding 5 years or both.</p>

D Fisheries Order 2009	
AGENCY	Fisheries Department, Ministry of Primary Resources and Tourism
ARTICLE NO.	PROVISIONS
17	<p>Fishing etc. using foreign fishing vessels.</p> <p>(1) No foreign fishing vessel shall be used or attempt to be used for fishing or for conducting any research or survey in relation to any fishery, in Brunei Darussalam waters unless -</p> <p>a. it is authorised to do so under any international fishery agreement between the Government and -</p> <p>(i) the government of the country; or</p> <p>(ii) any international organisation, to which such vessel is registered or to which it belongs; and</p> <p>b. it is used for those purposes in accordance with a licence.</p> <p>(2) Where a foreign fishing vessel is used in contravention of -</p> <p>a. subsection (1);</p> <p>b. any condition of a licence; or</p> <p>c. any directions,</p> <p>the owner, master and every member of the crew of the vessel are guilty of an offence and on conviction, the owner and master are each liable to a fine not exceeding \$100,000, imprisonment for a term not exceeding 5 years or both and every member of the crew is liable to a fine not exceeding \$2,500, imprisonment for a term not exceeding one year or both.</p>

3.4 PROTECTION OF NON-NATIVE SPECIES

A Wild Flora and Fauna Order, 2007	
AGENCY	Wildlife Division, Ministry of Primary Resources and Tourism
ARTICLE NO.	PROVISIONS
47	<p>Trading in species without permit or certificate.</p> <p>(1) Any person who-</p> <p>a. trades in any specimen of any species listed in Appendix I without the appropriate permit or certificate granted under any of sections 10 to 13;</p> <p>b. trades in any specimen of any species listed in Appendix II without the appropriate permit or certificate granted under any of sections 14 to 17; or</p> <p>c. trades in any specimen of any species listed in Appendix III without the appropriate permit or certificate granted under any of sections 18 to 21,</p> <p>is guilty of an offence.</p> <p>(2) Any person who commits an offence against subsection (1)(a) is liable on conviction -</p> <p>a. in the case of an individual, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both;</p> <p>b. in the case of a body corporate, to a fine not exceeding \$200,000.</p> <p>(3) Any person who commits an offence against subsection (1)(b) is liable on conviction -</p> <p>a. in the case of an individual, to imprisonment for a term not exceeding 3 years, a fine not exceeding \$50,000 or both;</p> <p>b. in the case of a body corporate, to a fine not exceeding \$100,000.</p> <p>(4) Any person who commits an offence against subsection (1)(c) is liable on conviction -</p> <p>a. in the case of an individual, to a fine not exceeding \$37,500;</p> <p>b. in the case of a body corporate, to a fine not exceeding \$75,000.</p>

A Section continued

ARTICLE NO.	PROVISIONS
48	<p>Possession of specimens of species.</p> <p>(1) Any person who has in his possession or has under his control though under the custody of another, any specimen of any species listed in the Appendix that he knows or has reasonable grounds for suspecting -</p> <ol style="list-style-type: none">has been imported or introduced from the sea into Brunei Darussalam otherwise than in accordance with this Order; oris intended to be exported or re-exported from Brunei Darussalam otherwise than in accordance with this Order, <p>is guilty of an offence.</p> <p>(2) Any person who commits an offence against subsection (1) in respect of a specimen of any species listed in Appendix I is liable on conviction</p> <ol style="list-style-type: none">in the case of an individual, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both;in the case of a body corporate, to a fine not exceeding \$200,000. <p>(3) Any person who commits an offence against subsection (1) in respect of a specimen of any species listed in Appendix II is liable on conviction</p> <ol style="list-style-type: none">in the case of an individual, to imprisonment for a term not exceeding 3 years, a fine not exceeding \$50,000 or both;in the case of a body corporate, to a fine not exceeding \$100,000. <p>(4) Any person who commits an offence against subsection (1) in respect of a specimen of any species listed in Appendix III is liable on conviction -</p> <ol style="list-style-type: none">in the case of an individual, to a fine not exceeding \$37,500;in the case of a body corporate, to a fine not exceeding \$75,000.

B Fisheries Order 2009

AGENCY	Department of Fisheries, Ministry of Primary Resources and Tourism
ARTICLE NO.	PROVISIONS
31	<p>Fishing with explosives etc</p> <p>(1) Any person who-</p> <ol style="list-style-type: none">uses or attempts to use any explosive, poison, pollutant or other noxious substance, apparatus, prohibited gear or any other thing, for the purpose of killing, stunning, disabling or catching fish or in any other way rendering such fish more easily caught;carries or has in his possession or under his control any explosive, poison, pollutant or other noxious substance, apparatus, prohibited gear or any other thing, with the intention of using such explosive, poison, pollutant or other noxious substance, apparatus, prohibited gear or thing, for any of the purposes referred to in paragraph (a); oris found in possession of or receives, any fish that is prohibited species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) has been taken in contravention of the provisions of this Order, knowing or having reasonable cause to believe that it is such a fish, <p>is guilty of an offence.</p>
39	<p>Failure to comply with Order etc.</p> <p>(1) Any person who does or attempts to do or causes or permits to be done or abets an act contrary to, or fails to comply with, the provisions of this Order or is in breach of the conditions subject to which any licence has been issued is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.</p>

B Section continued	
ARTICLE NO.	PROVISIONS
	(2) Where an offence is continued after conviction, there shall be payable by the offender for every day that the offence continues a fine not exceeding \$50, and where the offence continues for a period exceeding 10 days after conviction the offender is also liable to imprisonment for a term not exceeding 6 months.
40	Penalty for offences not otherwise provided for. Any person who commits an offence against this Order, if no other penalty is provided, is liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

3.5 CATEGORIES OF WILDLIFE

A *Wildlife Protection Act, Chapter 102*

AGENCY	Ministry of Culture, Youth and Sports
ARTICLE NO.	PROVISIONS
First Schedule	List of animals

B *Wild Flora and Fauna Order, 2007*

AGENCY	Wildlife Division, Ministry of Primary Resources and Tourism
ARTICLE NO.	PROVISIONS
2	<p>“Appendix” means the Appendix I, II or III to the Convention and any amendment thereto which may come into force;</p> <p>“Appendix I” means the Appendix I to the Convention which lists all species threatened with extinction which are or may be affected by trade;</p> <p>“Appendix II” means the Appendix II to the Convention which lists all species that are not threatened with extinction but may become so if trade is not regulated;</p> <p>“Appendix III” means the Appendix III to the Convention which lists all species identified by any party to the Convention that require regulation in its jurisdiction for the purpose of preventing or restricting, exploitation and require the cooperation of other parties in the control of trade;</p>

3.6 HUNTING OF WILDLIFE

A *Wild Life Protection Act, Chapter 102*

AGENCY	Ministry of Culture, Youth and Sports
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ARTICLE NO.	PROVISIONS
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| 10 | <p>(1) Licenses to perform any act mentioned in sections 7,8 and 9 shall be in the form in the Third Schedule and may be issued in his absolute discretion by the Chief Game Warden or any officer authorised in that behalf by him, and, subject to the direction of the Chief Game Warden, by the Deputy Chief Game Warden or a Game Warden, and shall be subject to such special conditions, if any, as the officer issuing the licence may subject to any such direction, think fit to impose.</p> <p>(2) Licenses shall not be valid for a period exceeding one year or such shorter period as the issuing officer may, in any particular case, determine and shall not be transferable.</p> <p>(3) Subject to the provisions of section 11 fees at the rates specified in the Second Schedule shall be payable when such licence is issued, and no fee shall be refunded if the act authorised by such licence is not performed.</p> <p>(4) The holder of any licence under this Act shall carry such licence on his person when performing any act authorised by it, and shall produce it for inspection at the demand of any Game Officer.</p> <p>(5) Any licence issued under this Act shall be available only for the locality specified therein.</p> <p>(6) The holder of any licence issued under this Act shall, as soon as such licence expires or is otherwise determined, return it to the Game Officer at the place where it was issued.</p> <p>(7) When a licence to hunt, kill, capture, sell or export expires or is otherwise determined, the licence-holder shall, before returning it to the Game Officer, endorse upon it the number and kinds of animals killed, captured, sold or exported.</p> <p>(8) Any person who contravenes the provisions of subsection (4), (6), or (7) or fails to comply with any special condition imposed under this section, shall be guilty of an offence: Penalty, imprisonment for 3 months and a fine of \$500.</p> |
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3.7 CAPTIVE BREEDING

A *Wild Fauna and Flora Order, 2007*

AGENCY	Wildlife Division, Ministry of Primary Resources and Tourism
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ARTICLE NO.	PROVISIONS
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| 58 | The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations regarding breeding in captivity. To date no regulations have been made yet. |
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3.8 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE

A *Wild Fauna and Flora Order, 2007*

AGENCY	Wildlife Division, Ministry of Primary Resources and Tourism
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ARTICLE NO.	PROVISIONS
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| 7 | Trade in Species
No person shall hunt, kill or capture any protected animal otherwise than under and in accordance with the conditions of a licence issued under this Act. |
| 10 | Authority to Trade in Species in Appendix I
Permit to export species
The Director may, after consultation with the appropriate management authority and scientific authority, grant a permit to export any specimen of any species listed in Appendix I to an applicant, if those authorities are satisfied that- |

A Section continued	
ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none"> a. the export of it is not detrimental to the survival of that species; b. it was not obtained in contravention of any written law; c. that specimen is to be prepared and shipped so that the risk of- <ul style="list-style-type: none"> (i) injury to the specimen; (ii) adverse effect on the health of the specimen; and (iii) in the case of an animal, cruel treatment of the specimen, is minimised; and d. permission to import that specimen has been granted by the relevant authority of the country of import.
11	<p>Permit to import species</p> <p>The Director may, after consultation with the appropriate management authority and scientific authority, grant a permit to import any specimen of any species listed in Appendix I to an applicant, if those authorities are satisfied that-</p> <ul style="list-style-type: none"> a. the import of it is not detrimental to the survival of that species; b. the proposed recipient of that specimen is suitably equipped to house and care for it; c. it is not to be used primarily for commercial purposes; and d. permission to export or re-export that specimen has been granted by the relevant authority of the country of export or re-export.
12	<p>Certificate to re-export species</p> <p>The Director may, after consultation with the appropriate management authority and scientific authority grant a certificate to re-export any specimen of any species listed in Appendix I to an applicant, if those authorities are satisfied that-</p> <ul style="list-style-type: none"> a. in the case of that specimen being imported- <ul style="list-style-type: none"> (i) before the commencement of this Order, it was not imported in contravention of any written law; or (ii) after the commencement of this Order, it was imported in accordance with this Order; b. it is to be prepared and shipped so that the risk of- <ul style="list-style-type: none"> (i) injury to the specimen; (ii) adverse effect on the health of the specimen; and (i) in the case of an animal, cruel treatment of the specimen, is minimised; and c. permission to import that specimen has been granted by the relevant authority of the country of import.
13	<p>Certificate to introduce from the sea species</p> <p>The Director may, after consultation with the appropriate management authority and scientific authority, grant a certificate to introduce into Brunei Darussalam from the sea any specimen of any species listed in Appendix I to an applicant, if those authorities are satisfied that-</p> <ul style="list-style-type: none"> a. the introduction of it is not detrimental to the survival of that species; b. that specimen is to be handled so that the risk of- <ul style="list-style-type: none"> (i) injury to the specimen; (ii) adverse effect on the health of the specimen; and (iii) in the case of an animal, cruel treatment of the specimen, is minimised; c. the proposed recipient of that specimen is suitably equipped to house and care for it; d. it is not to be used primarily for commercial purposes; and e. it was not obtained in contravention of any written law.

A Section continued

ARTICLE NO.	PROVISIONS
14	<p>Permit to Authority to Trade in Species in Appendix II</p> <p>Export species</p> <p>The Director may, after consultation with the appropriate management authority and scientific authority, grant a permit to export any specimen of any species listed in Appendix II to an applicant, if those authorities are satisfied that-</p> <ul style="list-style-type: none">a. the export of it is not detrimental to the survival of that species;b. it was not obtained in contravention of any written law; andc. that specimen will be prepared and shipped so that the risk of-<ul style="list-style-type: none">(i) injury to the specimen;(ii) adverse effect on the health of the specimen; and(iii) in the case of an animal, cruel treatment of the specimen, is minimised.
15	<p>Permit to import species</p> <p>Any person who proposes to import any specimen of any species listed in Appendix II must present, before or at the time of import of that specimen, a permit to export or a certificate to re-export issued by the relevant authority of the country of export or re-export.</p>
16	<p>Certificate to re-export species.</p> <p>The Director may, after consultation with the appropriate management authority and scientific authority, grant a certificate to re-export any specimen of any species listed in Appendix II to an applicant, if those authorities are satisfied that-</p> <ul style="list-style-type: none">a. in the case of that specimen being imported -<ul style="list-style-type: none">(i) before the commencement of this Order, it was not imported in contravention of any written law; or(ii) after the commencement of this Order, it was imported in accordance with this Order;b. it will be prepared and shipped so that the risk of-<ul style="list-style-type: none">(i) injury to the specimen;(ii) adverse effect on the health of the specimen; and(iii) in the case of an animal, cruel treatment of the specimen, is minimised.
17	<p>Certificate to introduce from the sea species.</p> <p>The Director may, after consultation with the appropriate management authority and scientific authority, grant a certificate to introduce from the sea any specimen of any species listed in Appendix II to an applicant, if those authorities are satisfied that -</p> <ul style="list-style-type: none">a. the introduction of it is not detrimental to the survival of that species;b. that specimen is to be handled so that the risk of<ul style="list-style-type: none">(i) injury to the specimen;(ii) adverse effect on the health of the specimen; and(iii) in the case of an animal, cruel treatment of the specimen, is minimised; andc. it was not obtained in contravention of any written law.
18	<p>Authority to Trade in Species in Appendix III</p> <p>Permit to export species</p> <p>The Director may, after consultation with the appropriate management authority and scientific authority, grant a permit to export any specimen of any species listed in Appendix III to the applicant, if those authorities are satisfied that-</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none"> a. that specimen was not obtained in contravention of any written law; and b. it is to be prepared and shipped so that the risk of- <ul style="list-style-type: none"> (i) injury to the specimen; (ii) adverse effect on the health of the specimen; and (iii) in the case of an animal, cruel treatment of the specimen, is minimised.
19	<p>Permit to import species</p> <p>Any person who proposes to import any specimen of any species listed in Appendix III must present, before or at the time of import of the specimen, a permit to export or a certificate to re-export issued by the relevant authority of the country of export or re-export.</p>
20	<p>Certificate to re-export species</p> <p>The Director may, after consultation with the appropriate management and scientific authority, grant a certificate to re-export any specimen of any species listed in Appendix III to an applicant.</p>
21	<p>Certificate to introduce from the sea species</p> <p>The Director may, after consultation with the appropriate management authority and scientific authority, grant a certificate to introduce from the sea any specimen of any species listed in Appendix III to an applicant.</p>
27	<p>Species as personal or household effects</p> <p>(1) Except as provided in subsection (2), Part I shall not apply to any dead specimen of species listed in Appendix I or II, any recognizable part or derivative thereof, that is a personal or household effect being introduced into Brunei Darussalam, or exported or re-exported therefrom.</p>
28	<p>(2) Part I shall apply to any specimen that is a personal or household effect being imported into Brunei Darussalam where-</p> <ul style="list-style-type: none"> a. it is of any species listed in Appendix I or II acquired by the owner outside Brunei Darussalam; or b. it is of any species listed in the Appendix that is imported for primarily commercial reasons, unless that specimen is accompanied by a certificate of acquisition or a certificate of exemption issued by the appropriate management authority.” <p>(1) Any person who desires to export or re-export a specimen of any species listed in Appendix II or III that -</p> <ul style="list-style-type: none"> a. in the case of an animal, was bred in captivity; b. in the case of a plant, was artificially propagated; or c. is a recognisable part or derivative of such a specimen, <p>shall apply in writing to the Director for a certificate for specimens bred in captivity or artificially propagated.</p> <p>(2) The Director may, after (if necessary) consultation with the appropriate management authority, issue a certificate for specimens bred in captivity or artificially propagated to an applicant if he is satisfied that the specimen to which the application relates was bred in captivity or, as the case may be, was artificially propagated, or is a recognisable part or derivative of such a specimen.</p>

B Wild Life Protection Act, Chapter 102

AGENCY	Ministry of Culture, Youth and Sports (Competent Authority)
ARTICLE NO	PROVISIONS
9	No person shall export any animal specified in the First Schedule, except under and in accordance with the conditions of a licence issued under this Act. Penalty, imprisonment for one year and a fine of \$2,000

C Fisheries Order 2009

AGENCY	Department of Fisheries, Ministry of Primary Resources and Tourism
ARTICLE NO	PROVISIONS
35	Taking or receiving fish from foreign fishing vessel. Any person who takes or receives fish from a foreign fishing vessel without a licence is guilty of an offence.

3.9 ILLEGAL POSSESSION OF PROTECTED WILDLIFE

A Wild Fauna and Flora Order, 2007

AGENCY	Wildlife Division, Ministry of Primary Resources and Tourism
ARTICLE NO.	PROVISIONS
48	Possession of specimens of species. (1) Any person who has in his possession or has under his control though under the custody of another, any specimen of any species listed in the Appendix that he knows or has reasonable grounds for suspecting - a. has been imported or introduced from the sea into Brunei Darussalam otherwise than in accordance with this Order; or b. is intended to be exported or re-exported from Brunei Darussalam otherwise than in accordance with this Order, is guilty of an offence. (2) Any person who commits an offence against subsection (1) in respect of a specimen of any species listed in Appendix I is liable on conviction a. in the case of an individual, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both; b. in the case of a body corporate, to a fine not exceeding \$200,000. (3) Any person who commits an offence against subsection (1) in respect of a specimen of any species listed in Appendix II is liable on conviction a. in the case of an individual, to imprisonment for a term not exceeding 3 years, a fine not exceeding \$50,000 or both; b. in the case of a body corporate, to a fine not exceeding \$100,000. (4) Any person who commits an offence against subsection (1) in respect of a specimen of any species listed in Appendix III is liable on conviction - a. in the case of an individual, to a fine not exceeding \$37,500; b. in the case of a body corporate, to a fine not exceeding \$75,000.

B Forest Act, Chapter 46	
AGENCY	Department of Forestry, Ministry of Primary Resources and Tourism
ARTICLE NO	PROVISIONS
27	<p>Unlawful possession of forest produce.</p> <p>(1) Any person found in possession of any forest produce upon which the royalty or other payment to the Government due in respect of such forest produce has not been paid or made is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years.</p> <p>(2) In any prosecution under this section the onus of proving that the royalty or other payment in respect of such forest produce has been paid or made shall be upon the person found in possession of such forest produce.</p>

C Fisheries Order 2009	
AGENCY	Department of Fisheries, Ministry of Primary Resources and Tourism
ARTICLE NO	PROVISIONS
31	<p>(1) Any person who -</p> <p>c. ...is found in possession of or receives, any fish that is a prohibited species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora [CITES) has been taken in contravention of the provisions of this Order, knowing or having reasonable cause to believe that it is such a fish,</p> <p>is guilty of an offence.</p>

3.10 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A Wild Fauna and Flora Order, 2007	
AGENCY	Wildlife Division, Ministry of Primary Resources and Tourism
ARTICLE NO.	PROVISIONS
36	<p>Seizure of species traded in contravention of Order.</p> <p>(1) Where an authorised officer finds, in or on any vessel or aircraft or at any port or airport, any specimen of any species listed in the Appendix that-</p> <p>a. is being traded otherwise than in accordance with this Order; or</p> <p>b. is not listed on the inward or outward report in respect of that vessel or aircraft, that specimen shall be forfeited to the Government, and shall be seized by him and disposed of in accordance with section 44.</p> <p>(2) Any authorised officer who has reasonable cause to believe that any specimen of such species has been imported or introduced from the sea into Brunei Darussalam otherwise than in accordance with this Order, may seize that specimen and -</p> <p>a. in the case of an animal, any descendant of that specimen; or</p> <p>b. in the case of a plant, any propagation of that specimen, and shall deliver it into the custody of the Director.</p> <p>(3) Any authorised officer who has reasonable cause to believe that any specimen of such species is intended to be exported or re-exported from Brunei Darussalam otherwise than in accordance with this Order, may seize that specimen and shall deliver it into the custody of the Director.</p> <p>(4) Any authorised officer seizing any specimen under this section may also seize-</p> <p>a. any container/ packing easel crate/ box/ or any other form of receptacle (not being a bulk cargo container or a pallet) holding that specimen; and</p> <p>b. any other thing which the authorised officer has reason to believe will be evidence of a breach of the provisions of this Order or of any regulations made hereunder, and shall deliver it into the custody of the Director:</p>

A Section continued

ARTICLE NO	PROVISIONS
	<p>Provided that the owner or the person entitled to the possession of the items seized under this subsection may apply to the court at any time for the return of those items not being items that are required for evidential purposes in a hearing of any court/ and the court may order the retention of those items or their return on such conditions as it thinks fit</p> <p>(5) No compensation shall be payable in respect of any specimen seized under subsection (1).</p>
39	<p>Forfeiture of seized vehicles and containers.</p> <p>(1) Upon the conviction of any person for any offence against this Order, any vehicle or container retained in respect of that offence under section 38 (1) may, on the order of the court, be forfeited to the Government; and in that case, the vehicle or container shall be disposed of as the Minister thinks fit.</p> <p>(2) Any person whose property has been forfeited to the Government under this section or any person having a legal or equitable interest in any such property (not being, in either case, a person convicted of an offence out of which the forfeiture arose) may apply to the Minister, within 30 days of the conviction, for the release of the property so forfeited; and the Minister may order the release of that property on payment to the Government of such amount he thinks appropriate, being an amount not exceeding the amount which the items forfeited are estimated by the Director to realise if sold by public auction in Brunei Darussalam.</p> <p>(3) In considering whether to order the release of any property under subsection (2), the Minister shall have regard to-</p> <ul style="list-style-type: none">a. the relationship between the person applying for release of the property and the person convicted of the offence; andb. the extent to which it was foreseeable that the property would be used in connection with the commission of an offence against this Order when it was placed in the possession of the offender. <p>(4) Any forfeiture ordered under this section shall be in addition to, and not in substitution for, any other penalty that may be imposed by a court or by this Order.</p>
42	<p>Custody of seized specimens.</p> <p>(1) Where, in the opinion of the Director/ any specimen seized pursuant to sections 36(2) or (3) may die, rot, spoil or otherwise perish, he may dispose of it in accordance with section 44 (1) as if that specimen had been forfeited to the Government.</p> <p>(2) Where the ownership of-</p> <ul style="list-style-type: none">a. any specimen seized pursuant to sections 36(2) or (3); orb. any receptacle or thing seized pursuant to section 37(4), <p>cannot, at the time of seizure or within 90 days from the date of seizure, be ascertained it shall be forfeited to the Government/ and disposed of-</p> <ul style="list-style-type: none">(i) in the case of a specimen/ in accordance with section 44; or(ii) in the case of a receptacle or thing, as the Director directs, subject to any conditions imposed by the court pursuant to section 36 (4). <p>(3) Except as provided in subsections (1) or (2) -</p> <ul style="list-style-type: none">a. every specimen seized pursuant to sections 36(2) or (3); andb. every receptacle or thing seized pursuant to this section, shall be held in the custody of the Director until - <ul style="list-style-type: none">(i) a decision is made not to lay any charge in respect of the alleged offence for which the specimen, receptacle or thing was seized; or(ii) where such a charge is laid, upon the completion of proceedings in respect of the alleged offence for which the specimen, receptacle or thing was seized, or such sooner time as the court may determine.

A Section continued	
ARTICLE NO	PROVISIONS
	(4) The decision whether or not to lay any charge in respect of an alleged offence for which any specimen, receptacle or thing is seized under this section shall be made as soon as reasonably practicable after that specimen, receptacle or thing is seized, taken possession of or detained.
55	<p>Forfeiture of property on conviction.</p> <p>(1) Subject to subsection (2), upon the conviction of any person for any offence against this Order -</p> <p>a. any specimen of any species listed in the Appendix in respect of which the offence has been committed; and</p> <p>b. any container, packing case, crate, box or any other form of receptacle (not being a bulk cargo container or a pallet) used in relation to the commission of the offence, whether or not they have been seized, taken possession of or detained under section 36, shall be forfeited to the Government and disposed of-</p> <p>(i) in the case of a specimen, in accordance with section 44;</p> <p>(ii) in the case of any container, packing case, crate, box or any form of receptacle, as the Director directs.</p> <p>(2) Notwithstanding the conviction of any person for any offence against this Order, no specimen shall be forfeited or disposed of until proceedings are finally determined.</p> <p>(3) Any person whose receptacle has been forfeited to the Government under subsection (2) or any person having a legal or equitable interest in such property may apply to the Minister within 30 days of the conviction for the release of the property so forfeited; and the Minister may order the release of that property on payment to the Government of such amount as he thinks appropriate, being an amount not exceeding the amount which the items otherwise forfeited are estimated by the Director to realise if sold by public auction in Brunei Darussalam.</p> <p>(4) Any forfeiture directed or redemption payment imposed pursuant to this section shall be in addition to, and not in substitution for, any other penalty that may be imposed by a court or by this Order.</p>
B Fisheries order 2009	
AGENCY	Department of Fisheries, Ministry of Industry and Primary Resources (Investigations)
ARTICLE NO	PROVISIONS
49	<p>Forfeiture.</p> <p>Where it has been proved to the court that any vessel, vehicle, aircraft, article or thing seized under this Order is the subject-matter of or has been used in the commission of an offence against this Order, the court may order the forfeiture of that vessel, vehicle, aircraft, article or thing, notwithstanding that no person may have been found guilty of an offence.</p>
53	<p>Forfeiture and disposal of vessels etc.</p> <p>(1) Where any person is guilty of an offence against this Order, the court may, in addition to any other penalty that may be imposed -</p> <p>a. order that the vessel (including its equipment, furniture, stores, cargo and fishing appliances), vehicle, aircraft, article or thing used in the commission of such offence or in relation to which such offence has been committed be forfeited; and</p> <p>b. order that any fish caught in the commission of such offence or the proceeds of the sale of any fish or other article of a perishable nature referred to in section 54, and any explosive, poison, pollutant or other noxious substance, apparatus, prohibited gear or any other thing used or intended to be used in the commission of such offence be forfeited.</p> <p>(2) any vessel (including its equipment, furniture, stores, cargo and fishing appliances), vehicle, aircraft, article or thing, explosives, poison, pollutant or other noxious substance, apparatus, prohibited gear or any other thing, or fish, ordered to be forfeited under subsection (1) or under section 50 shall be disposed of in such manner as the Director may think fit.</p>

3.11 SALE OF CONFISCATED SPECIMENS

A Fisheries Order 2009

AGENCY Department of Fisheries, Ministry of Primary Resources and Tourism

ARTICLE NO **PROVISIONS**

- 54 Sale of fish or other articles of perishable nature.
- (1) Any fish or other article of a perishable nature seized under this Order may, on the direction of the Director, be destroyed or sold and the proceeds of the sale shall -
- a. be held to abide the result of any prosecution or claim;
 - b. where there is no prosecution or claim, be paid to the person (if known) from whom the fish was seized, or otherwise shall be held for a period of one month from the date of such sale at the end of which period it shall be deemed to be forfeited.
- (2) The Government shall not be liable to any person for any deterioration, howsoever caused, in the quality of any fish or other article seized under this Order.

B Forest Act Chapter 46

AGENCY Department of Forestry, Ministry of Primary Resources and Tourism

ARTICLE NO **PROVISIONS**

- 37 Sale of perishable property seized.
- A Magistrate or a forest officer specially empowered in that behalf under section 51 may, notwithstanding anything contained provided in this Act, direct the sale of any property seized under section 24 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property had it not been sold.

C Wild Fauna and Flora Order, 2007

AGENCY Wildlife Division, Ministry of Primary Resources and Tourism

ARTICLE NO **PROVISIONS**

- 42 Custody of seized specimens.
- (1) Where, in the opinion of the Director/ any specimen seized pursuant to sections 36(2) or (3) may die, rot, spoil or otherwise perish, he may dispose of it in accordance with section 44 (1) as if that specimen had been forfeited to the Government.
- 44 Disposal of seized specimens.
- (1) Any specimen of any species listed in the Appendix forfeited to the Government shall be disposed of in such manner as the Director may direct, after consultation with the relevant scientific and management authorities.
- (2) The Director may negotiate the return and the payment of any costs associated with that return, of any specimen imported into Brunei Darussalam, otherwise than in accordance with this Order, with the management authority of the country from where that specimen originated.
- (3) All costs and expenses of and attendant upon any disposal of a specimen forfeited to the Government and seized under section 36(1) shall be borne by the owner or the person who had possession thereof, and shall be recoverable from him as a debt due to the Government, and no compensation shall be payable in respect thereof.
- Specimens seized in respect of which there is no prosecution forfeited if not claimed within 30 days.

3.12 REPATRIATION OF CONFISCATED SPECIMEN

A *Wild Fauna and Flora Order*

AGENCY	Royal Brunei Police Force, Wildlife Division, Ministry of Primary Resources and Tourism, Royal Customs and Excise Department
ARTICLE NO	PROVISIONS
44	(2) The Director may negotiate the return and the payment of any costs associated with that return, of any specimen imported into Brunei Darussalam, otherwise than in accordance with this Order, with the management authority of the country from where that specimen originated.

3.13 DISPOSAL OF CONFISCATED SPECIMEN

A *Wild Fauna and Flora Order 2007*

AGENCY	Wildlife Division, Ministry of Primary Resources and Tourism
ARTICLE NO	PROVISIONS
44	<p>Disposal of seized specimens.</p> <p>(1) Any specimen of any species listed in the Appendix forfeited to the Government shall be disposed of in such manner as the Director may direct, after consultation with the relevant scientific and management authorities.</p> <p>(2) The Director may negotiate the return and the payment of any costs associated with that return, of any specimen imported into Brunei Darussalam, otherwise than in accordance with this Order, with the management authority of the country from where that specimen originated.</p> <p>(3) All costs and expenses of and attendant upon any disposal of a specimen forfeited to the Government and seized under section 36(1) shall be borne by the owner or the person who had possession thereof, and shall be recoverable from him as a debt due to the Government, and no compensation shall be payable in respect thereof.</p> <p>Specimens seized in respect of which there is no prosecution forfeited if not claimed within 30 days.</p>

B *Forests Act Chapter 46*

AGENCY	Department of Forestry, Ministry of Industry and Primary Resources
ARTICLE NO	PROVISIONS
35	<p>Disposal of produce subject of offences.</p> <p>When the trial of any forest offence is concluded, any forest produce in respect of which such offence has been committed shall, if it is the property of the Government or has been confiscated, be delivered to such forest officer as the court may order, and, in any other case, may be disposed of in such manner as the court may order.</p>

C *Fisheries Order 2009*

AGENCY	Department of Fisheries, Ministry of Primary Resources and Tourism
ARTICLE NO	PROVISIONS
53	(2) Any vessel (including its equipment, furniture, stores, cargo and fishing appliances), vehicle, aircraft, article or thing, explosives, poison, pollutant or other noxious substance, apparatus, prohibited gear or any other thing, or fish, ordered to be forfeited under subsection (1) or under section 50 shall be disposed of in such manner as the Director may think fit.

D *Wildlife Protection Act Chapter 102*

AGENCY	Ministry of Culture, Youth and Sports
ARTICLE NO	PROVISIONS
20	When the trial of any offence under this Act is concluded, any property that has been seized under the provisions of this Act shall be disposed of as the Court may order.

3.14 COMPENSATION FOR VICTIMS/ REHABILITATION/ COSTS OF REPATRIATION OF SEIZED WILDLIFE

A *Forests Act Chapter 46*

AGENCY	Department of Forestry, Ministry of Primary Resources and Tourism
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ARTICLE NO	PROVISIONS
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33	<p>Compensation for damage caused by commission of forest offence.</p> <p>(1) When any person is convicted of removing, felling, cutting, ringing, marking, lopping or tapping any tree or timber, or of injuring them by fire or otherwise, in contravention of this Act, the convicting court may, in addition to any other penalty which it may award, order such person to pay to the Government such compensation for such tree or timber, in respect whereof the offence was committed, as it deems just.</p>
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3.15 REWARD FOR INFORMANTS

A *Wildlife Protection Act Chapter 102*

AGENCY	Ministry of Culture, Youth and Sports
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ARTICLE NO	PROVISIONS
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24	<p>Where, in any proceedings under this Act, any fine is imposed, the court may award any sum or sums not exceeding one-half of the total fine collected to any informer or informers: Provided that no such sum may be awarded to any police officer or to any person appointed to assist in the administration of this Act.</p>
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B *Forests Act Chapter 46*

AGENCY	Department of Forestry, Ministry of Primary Resources and Tourism
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ARTICLE NO	PROVISIONS
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52	<p>(1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, May make rules to carry out the objects and proposes of this Act</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may - (u) regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Act or under any rules made under this section or from the Treasury;</p>
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3.16 ENFORCEMENT POWERS – ENTRY, SEARCH, SEIZURE, ARREST

A *Wild Fauna and Flora Order, 2007*

AGENCY	Wildlife Division, Ministry of Industry and Primary Resources
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ARTICLE NO	PROVISIONS
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32	<p>Power of investigation.</p> <p>In any case relating to the commission of an offence under this Order, an authorised officer shall have all the powers of a police officer under the Criminal Procedure Code (Chapter 7) in relation to an investigation into such an offence.</p>
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33	<p>Power of arrest.</p> <p>An authorised officer may arrest without warrant any person who has committed or whom he reasonably suspects to have committed an offence against this Order or under any regulations made hereunder.</p>
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34	<p>Right of entry</p> <p>(1) Subject to section 35(2) and notwithstanding any other written law, an authorised officer who has reasonable grounds to believe that an offence against this Order or under any regulations made hereunder has been or is being committed, may at any time -</p>
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A Section continued	
ARTICLE NO	PROVISIONS
	<p>a. stop and enter or board any vehicle;</p> <p>b. enter, pass across or remain on any land or premises (including a dwelling house);</p> <p>c. demand any information relating to that breach from any person in or on that vehicle, land or premises and require him to produce-</p> <p style="padding-left: 20px;">(i) any permit or certificate granted under this Order; and</p> <p style="padding-left: 20px;">(ii) any other documents relating to trade in any species listed in Appendix I;</p> <p>d. for the purpose of such analysis as the Director considers necessary to determine whether an offence against this Order or under any regulations made hereunder has occurred, take samples, subject to subsection (6), from any specimen in any vehicle or on any land or premises (including a dwelling house) where the officer has reasonable grounds to believe that such specimen is evidence that an offence against this Order or under any regulations made hereunder has been or is being committed.</p> <p>(2) Notwithstanding subsection (1), no authorised officer shall enter any dwelling house or, in the case of the exercise of the power under subsection (1)(d), any other land or premises unless he is authorised in that behalf by a search warrant obtained under section 35(2).</p> <p>(3) Every authorised officer exercising a power to enter under subsection (1) shall identify himself and have with him due evidence of his appointment and shall produce that evidence to the owner or occupier or, as the case may be, the person in charge of the vehicle, land or premises</p> <p style="padding-left: 20px;">a. if practicable, on first entering the vehicle or on the land or premises; and</p> <p style="padding-left: 20px;">b. whenever subsequently reasonably required to do so by that owner or occupier or person in charge.</p> <p>(4) If an authorised officer exercises a power to enter under subsection (1), written advice of the entry and the purpose of the entry shall be given to the owner or occupier or, as the case may be, person in charge of the vehicle, land or premises as soon as practicable after that entry where -</p> <p style="padding-left: 20px;">a. no prior notice or agreement of the entry was given or made; or</p> <p style="padding-left: 20px;">b. that owner or occupier or person in charge was not present at the time of entry.</p> <p>(5) An authorised officer lawfully exercising his powers under this section may make or take copies of any document, and for this purpose may take possession of and remove it from the place where it is kept, for such period of time as is reasonable in the circumstances.</p> <p>(6) Every authorised officer proposing to take a sample under subsection (1)(d) from any live animal-</p> <p style="padding-left: 20px;">a. must do so either personally or, where requested by the owner or person in charge of the animal, by instructing a veterinary surgeon to do so; and</p> <p style="padding-left: 20px;">b. must make every effort to avoid unnecessary disturbance of the animal, including, with respect to an animal which is secured within an enclosure, exercising his powers only during the hours of daylight except where the authorised officer judges that there will be less disturbance to the animal if the powers are exercised outside those hours.</p>
35	<p>Power of search.</p> <p>(1) Subject to subsection (2), any authorised officer who has entered any vehicle, land, or premises (including a dwelling house) under section 34 may search that vehicle, land or premises and open (by force if necessary) any bulk cargo container, packing case, crate, box, or any other form of receptacle in or on that vehicle, land or premises.</p> <p>(2) A magistrate who, on application by an authorised officer in writing made on oath, is satisfied that there is in any dwelling house -</p> <p style="padding-left: 20px;">a. any specimen of any species listed in the Appendix that there is reasonable ground to believe -</p> <p style="padding-left: 40px;">(i) has been traded otherwise than in accordance with this Order; or</p>

A Section continued

ARTICLE NO.	REQUIRED PERMITS
	<p>(ii) is intended to be traded otherwise than in accordance with this Order;</p> <p>b. any thing which there is reasonable ground to believe may be evidence of the commission of any offence against this Order; or</p> <p>c. any thing which there is reasonable ground to believe is intended to be used for the purpose of committing any such offence,</p> <p>may issue a search warrant to that officer and the provisions of sections 60, 62, 64, 65 and 66 of the Criminal Procedure Code (Chapter 7) shall apply accordingly.</p> <p>(3) A search warrant is also required pursuant to subsection (2) in the case of entry to any other vehicle, land or premises for the exercise of the power under section 34 (1)(d).</p>
36	<p>Seizure of species traded in contravention of Order.</p> <p>(1) Where an authorised officer finds, in or on any vessel or aircraft or at any port or airport, any specimen of any species listed in the Appendix that-</p> <p>a. is being traded otherwise than in accordance with this Order; or</p> <p>b. is not listed on the inward or outward report in respect of that vessel or aircraft,</p> <p>that specimen shall be forfeited to the Government, and shall be seized by him and disposed of in accordance with section 44.</p> <p>(2) Any authorised officer who has reasonable cause to believe that any specimen of such species has been imported or introduced from the sea into Brunei Darussalam otherwise than in accordance with this Order, may seize that specimen and -</p> <p>a. in the case of an animal, any descendant of that specimen; or</p> <p>b. in the case of a plant, any propagation of that specimen, and shall deliver it into the custody of the Director.</p> <p>(3) Any authorised officer who has reasonable cause to believe that any specimen of such species is intended to be exported or re-exported from Brunei Darussalam otherwise than in accordance with this Order, may seize that specimen and shall deliver it into the custody of the Director.</p> <p>(4) Any authorised officer seizing any specimen under this section may also seize-</p> <p>a. any container/ packing easel crate/ box/ or any other form of receptacle (not being a bulk cargo container or a pallet) holding that specimen; and</p> <p>b. any other thing which the authorised officer has reason to believe will be evidence of a breach of the provisions of this Order or of any regulations made hereunder, and shall deliver it into the custody of the Director:</p> <p>Provided that the owner or the person entitled to the possession of the items seized under this subsection may apply to the court at any time for the return of those items not being items that are required for evidential purposes in a hearing of any court/ and the court may order the retention of those items or their return on such conditions as it thinks fit</p> <p>(5) No compensation shall be payable in respect of any specimen seized under subsection (1).</p>
37	<p>Power to seize vehicles and containers.</p> <p>(1) Any authorised officer may stop and seize any vehicle on the ground or in water/or stop in transit and seize any parcel/ package, case, bag, luggage or other container, if he reasonably believes -</p> <p>a. that the vehicle or container contains any species listed in the Appendix; or</p> <p>b. that the vehicle or container-</p> <p>(i) is in the possession of a person who has committed an offence against this Order; and</p> <p>(ii) has been used in connection with the commission of an offence against this Order.</p> <p>In this section, "in transit" has the same meaning as in section 2(1) of the Customs Order, 2006 (S 39/06).</p>

A Section continued	
ARTICLE NO	PROVISIONS
42	<p>Custody of seized specimens.</p> <p>(1) Where, in the opinion of the Director/ any specimen seized pursuant to sections 36(2) or (3) may die, rot, spoil or otherwise perish, he may dispose of it in accordance with section 44 (1) as if that specimen had been forfeited to the Government.</p> <p>(2) Where the ownership of-</p> <p style="margin-left: 20px;">a. any specimen seized pursuant to sections 36(2) or (3); or</p> <p style="margin-left: 20px;">b. any receptacle or thing seized pursuant to section 37(4),</p> <p>cannot be ascertained at the time of seizure or within 90 days from the date of seizure, it shall be forfeited to the Government/ and disposed of-</p> <p style="margin-left: 40px;">(i) in the case of a specimen/ in accordance with section 44; or</p> <p style="margin-left: 40px;">(ii) in the case of a receptacle or thing, as the Director directs, subject to any conditions imposed by the court pursuant to section 36(4).</p> <p>(3) Except as provided in subsections (1) or (2) -</p> <p style="margin-left: 20px;">a. every specimen seized pursuant to sections 36(2) or (3); and</p> <p style="margin-left: 20px;">b. every receptacle or thing seized pursuant to this section, shall be held in the custody of the Director until -</p> <p style="margin-left: 40px;">(i) a decision is made not to lay any charge in respect of the alleged offence for which the specimen, receptacle or thing was seized; or</p> <p style="margin-left: 40px;">(ii) where such a charge is laid, upon the completion of proceedings in respect of the alleged offence for which the specimen, receptacle or thing was seized, or such sooner time as the court may determine.</p> <p>(4) The decision whether or not to lay any charge in respect of an alleged offence for which any specimen, receptacle or thing is seized under this section shall be made as soon as reasonably practicable after that specimen, receptacle or thing is seized, taken possession of or detained.</p>
45	<p>(1) If there is no prosecution with regard to any specimen seized under this Order, such specimen shall be taken and forfeited at the expiration of 30 days from the date of seizure unless a claim thereto is made before such date in the manner set out in this section.</p> <p>(2) Any person asserting that he is the owner of such specimen and that it is not liable to forfeiture may personally or by his agent authorised in writing give written notice to an authorised officer that he claims the same.</p> <p>(3) On receipt of such notice the authorised officer shall refer the claim to the Director who may direct that such specimen be released or may direct such authorised officer to refer the matter to a court for his decision.</p> <p>(4) The court shall issue a summons requiring the person asserting that he is the owner of the specimen and the person from whom it was seized to appear before it.</p> <p>(5) Upon his appearance or default to appear, due service of such summons being proved, the court shall proceed to the examination of the matter and on proof that an offence against this Order has been committed and that such specimen was the subject matter, or was used in the commission, of such offence shall order the specimen to be forfeited, or may, in the absence of such proof, order its release.</p> <p>(6) In any proceedings under subsections (4) and (5), the burden of proof thereof shall lie on the person asserting that he is the owner of the specimen and on the person from whom it was seized as if such owner or person had been the defendant in a prosecution under this Order.</p> <p>(7) All specimens forfeited under subsection (1) shall be disposed of in accordance with section 44.</p>

B Wildlife Protection Act Chapter 102

AGENCY	Royal Brunei Police Force, Royal Customs and Excise Department
ARTICLE NO	PROVISIONS
15	<p>(1) Any Game Officer or Police Officer may, without warrant, arrest any person reasonably suspected of having been concerned in an offence against this Act if such person refuses to give his name and address, or gives a name and address which such officer has reasonable grounds for believing to be false, or if such officer has reasonable grounds for believing that, unless such person is arrested, he may escape, or that an unreasonable amount of delay, trouble or expense in making him answerable to justice will ensue.</p> <p>(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the officer in charge of the nearest police station, or to an officer empowered to compound the offence in accordance with section 17.</p> <p>(3) Whenever a Game Officer or Police Officer has reasonable cause to suspect that an offence under this Act has been committed, he may enter upon any land or premises for the purposes of carrying out the provisions of this Act, or for the purpose of preventing or detecting offences against this Act, and may search any vessel, vehicle, building, enclosure or place under the control of the person suspected, his agents or servants.</p>
16	<p>(1) Any Game Officer not below the rank of Game Warden may, by notice in writing, require the attendance before him for purposes of investigation, at a time and place to be specified in the notice, of any person suspected of being concerned in offence under this Act.</p> <p>(2) If any such person refuses to attend as so required the Game Officer may report the refusal to a magistrate who may thereupon if he thinks fit, issue a summons or warrant to secure the attendance of that person as required by that notice.</p>
18	<p>(1) When there is reason to believe that an offence under this Act has been committed, any animal or trophy or flesh thereof, together with all weapons, instruments and contrivances used in the commission of such offence, may be seized by any Game Officer or police officer.</p> <p>(2) Every officer seizing any property under this section shall place on such property, or on the receptacle, if any, in which it is contained, a mark indicating that it has been so seized, and shall, without unnecessary delay, make a report of such seizure to a magistrate having jurisdiction to try the offence in respect of which the seizure has been made:</p> <p>Provided that, in .any case where such property has been seized in connection with an offence compounded under section 17, it shall not be necessary to report to a magistrate the seizure thereof, and such property shall be disposed of in such manner as the officer concerned shall think fit.</p>
19	<p>Where there is reason to believe that an offence under this Act has been committed by a person who is unknown or cannot be found, all property seized under section 18 in respect of the offence shall be taken possession of by a Game Officer not below the rank of Game Warden who shall report the seizure to a magistrate, and the magistrate shall deal with the property as if it were the subject of a report to him under section 363 of the Criminal Procedure Code.</p>
21	<p>Prosecutions in respect of offences committed under this Act or any rule made hereunder may be conducted by a Game Officer or by any other person specially authorised in writing in that behalf by the Chief Game Warden.</p>

C Fisheries Order 2009	
AGENCY	Department of Fisheries, Ministry of Industry and Primary Resources (Investigations)
ARTICLE NO	PROVISIONS
42	<p>Powers of entry, seizure, arrest etc.</p> <p>(1) An enforcement officer may, where he has reason to believe that an offence has been committed under this Order, without a warrant -</p> <ol style="list-style-type: none"> a. enter and search any place in which he has reason to believe that an offence against this Order has been committed; b. take samples of any fish found in any vessel or vehicle inspected under section 41(b) or any place searched under paragraph (a); c. arrest any person who he has reason to believe has committed an offence under this Order; d. seize any vessel including its equipment, gear, furniture, appurtenances, stores and cargo, or any vehicle which he has reason to believe has been used in the commission of any offence or in relation to which any offences has been committed under this Order; e. seize any fish which he has reason to believe has been caught in the commission of an offence under this Order; f. seize any fish imported in contravention of regulations made under this Order; g. seize any explosive, poison, pollutant or other noxious substance, apparatus or prohibited gear or any other thing which he has reason to believe has been used, or was in the possession of someone, in contravention of section 31; or h. seize any unlicensed fishing appliance or marine culture system. <p>(2) Where any person is arrested by an enforcement officer, such officer shall comply with the provisions of section 33 of the Criminal Procedure Code (Chapter 7) as if he were a police officer.</p> <p>(3) In effecting any seizure under subsection (1), an enforcement officer may use such force as may be reasonably necessary.</p> <p>(4) A written receipt shall be given for anything seized under subsection (1).</p> <p>(5) Where any vessel has been seized under subsection (1), the master and crew of the vessel shall take it to such port as the enforcement officer shall designate, being the nearest or most convenient port.</p> <p>(6) The master of the vessel shall be responsible for the safety of the vessel, the crew and any other persons on board the vessel in bringing the vessel to the port so designated.</p> <p>(7) If the master of the vessel fails or refuses to take the vessel to the port so designated, any enforcement officer or any person called upon to assist him may do so.</p> <p>(8) If a vessel is brought to the port pursuant to subsection (6), no claim whatever may be made against any enforcement officer in respect of any death, injury, loss or damage occurring whilst the vessel is being brought to the designated port.</p>

3.17 ESTABLISHMENT OF CONSERVATION FUND WHERE PROCEEDS FROM SEIZED ASSETS OF WILDLIFE OFFENCES GO TO A DEDICATED FUND, WHICH CAN BE USED BY ENFORCEMENT AGENCIES OF WENS

A Forests Act Chapter 46

AGENCY Department of Forestry, Ministry of Primary Resources and Tourism

ARTICLE NO PROVISIONS

22 M Forest Development Fund.

(1) The Minister may establish a fund to be known as the Forest Development Fund.

(2) The Fund shall be administered by the Forest Development Fund Committee consisting of the following members —

- a. the Minister, who shall be the Chairman;
- b. the Permanent Secretary of the Ministry of Finance or his representative;
- c. the Director; and
- d. the Director of Environment, Parks and Recreation.

(3) The Forest Development Fund Committee shall be responsible for the due conservation of the Fund.

22 N Money to be paid into Fund.

(1) Once the Fund has been established, there shall be paid into the Fund —

- a. forest cess collected under section 22P;
- b. any moneys, fee, donation or grant paid to the Government for carrying out a reforestation plan;
- c. any moneys or grant that may be appropriated by the Government for the purpose of the Fund; and
- d. all moneys collected for the purpose of silvicultural works and other related operations.

(2) All moneys paid into the Fund shall —

- a. be deposited with any bank licensed under the Banking Order, 2006 (S 45/2006) or the Islamic Banking Order, 2008 (S 96/2008);
- b. be invested in accordance with the provisions of any written law relating to trustees.

22 O Purposes of Fund.

Subject to the prior approval of the Forest Development Fund Committee, the Fund shall be used for the following purposes —

- a. the preparation and implementation of programmes relating to forest conservation, rehabilitation programmes and silvicultural works;
- b. the recruitment of personnel including consultancy services, the procurement of equipment and the development of infrastructural facilities necessary to undertake activities in paragraph (a);
- c. the promotion and awareness building of the general public on activities related to the management, development and conservation of forest resources.

22 P Forest cess.

(1) For the purposes of the Fund, there shall be payable to the Government a forest cess in respect of any forest produce, as may be specified in rules made under this Act, removed from any reserved forest, State land, reserved land or alienated land, at such rate as may be prescribed.

(2) Subsection (1) does not apply to the removal of forest produce by a licensee who carries into effect a forest rehabilitation programme as may be required by the terms of his licence.

B Criminal Asset Recovery Order, 2012	
AGENCY	Royal Brunei Police Force
ARTICLE NO	PROVISIONS
123	<p>(1) There is hereby established a fund called the Criminal Assets Confiscation Fund, which subject to this section, shall be managed and controlled by the Permanent Secretary.</p> <p>(2) The Minister, may authorize the payment into the Fund of such sum or sums as may be necessary to set up or maintain it, and any such payments shall be charged on and paid out of the Consolidated Fund.</p> <p>(3) All amounts-</p> <ul style="list-style-type: none"> a. contributed by the Government towards the establishment or maintenance of the Fund; b. recovered under or in satisfaction of a forfeited cash under section 46, confiscation order under section 68, a payment order under section 74, benefit recovery order under section 75, non-conviction based forfeiture order under section 83 or unexplained wealth declaration under section 85; or c. received under an assets-sharing agreement; d. paid to Brunei Darussalam by a foreign country, under a treaty or arrangement or otherwise, for providing for mutual assistance in criminal matters; and e. other than amounts referred to in paragraph (d), paid to Brunei Darussalam by a foreign country in connection with assistance provided by Brunei Darussalam in relation to the recovery by that country of the proceeds of unlawful activity or investigation or prosecution of unlawful activity, <p>shall be included in the monies which are paid into the Fund.</p> <p>(4) Monies paid into the Fund shall not form part of the Consolidated Fund.</p> <p>(5) Subject to subsection (6), monies in the Fund shall be applied by the Permanent Secretary to-</p> <ul style="list-style-type: none"> a. compensate victims who have suffered losses as a result of serious offences; b. satisfy a compensation order under this Order; c. enable the appropriate law enforcement agencies to continue their fight against money laundering, serious offences or unlawful activity; d. discharging the obligations of Brunei Darussalam under any assets-sharing agreement; e. any matters that, in his opinion may assist in preventing, suppressing or otherwise dealing with criminal conduct and in dealing with criminal conduct; f. meeting the expenses incurred by the Permanent Secretary in administering the Fund; <p>(6) Before applying any measure under subsection (5), the Permanent Secretary shall consult the Public Prosecutor and such other persons as he may consider appropriate.</p> <p>(7) Monies paid into the Fund, which not applied for any of the purposes mentioned in subsection (5) may be-</p> <ul style="list-style-type: none"> a. held in the custody of the Permanent Secretary; or b. placed in the name of the Fund, in a current or deposit account, which one or more banks approved by the Permanent Secretary, and any interest earned on such monies while held in such an account shall be credited to such account. <p>(8) In this section, "Permanent Secretary" means the Permanent Secretary of the Ministry of Finance.</p>

4 KEY PROVISIONS OF OTHER LAWS

4.1 ANTI-MONEY LAUNDERING	
A <i>Criminal Asset Recovery Order 2012</i>	
AGENCY	Royal Brunei Police Force
ARTICLE NO.	PROVISION
3	<p>(1) A person commits the offence of money laundering if the person-</p> <ul style="list-style-type: none"> a. engages, directly, or indirectly in a transaction that involves money, or property, that is the proceeds of crime; b. acquires, receives, converts, exchanges, carries, possesses, conceals, uses, disposes of, remove from or brings into Brunei Darussalam any money, or property that are proceeds of crime; c. converts or transfers money or property derived directly or indirectly from a serious offence, with the aim of concealing or disguising the illicit origin of that money or property, or of aiding any person involved in the commission of the offence to evade the legal consequences thereof; d. conceals or disguises the true nature, origin, location, disposition, movement, title of, rights with respect to or ownership of the property derived directly or indirectly by the commission of a serious offence; or e. renders assistance to a person falling with paragraph (a), (b), (c) or (d), and the person knows or has reasonable grounds to believe or suspect that it is derived or realized directly or indirectly from the commission of an unlawful activity or fails to take reasonable steps to ascertain whether or not the property is proceeds of crime, is liable on conviction to a fine not exceeding \$500,000, imprisonment for a term not exceeding 10 years or both, and in the case of a body corporate to a fine not exceeding \$1,000,000."

4.2 CUSTOMS	
A <i>Custom Order 2006</i>	
AGENCY	Royal Customs and Excise Department Ministry of Finance
ARTICLE NO.	PROVISION
140	<p>Penalty for various smuggling offences.</p> <p>(1) Any person who</p> <ul style="list-style-type: none"> a. is concerned in importing or exporting any uncustomed goods, or any prohibited goods contrary to such prohibition, whether such uncustomed or prohibited goods have been shipped, unshipped, delivered or not; b. ships, unships, delivers or assists or is concerned in the shipping, unshipping or delivery of any uncustomed goods, or any prohibited goods contrary to such prohibition; c. illegally removes or withdraws or in any way assists or is concerned in the illegal removal or withdrawal of any goods from any customs control; d. knowingly harbours, keeps, conceals, or is in possession of, or permits, suffers, causes or procures to be harboured, kept or concealed, any uncustomed or prohibited goods; e. is in any way knowingly concerned in conveying, removing, depositing or dealing with any uncustomed or prohibited goods with intent to defraud the Government of any customs duty thereon, or to evade any of the provisions of this Order or to evade any prohibition applicable to such goods; f. being a passenger or other person, is found to have in his baggage or upon his person or otherwise in his possession, after having denied that he has any dutiable or prohibited goods in his baggage or upon his person or otherwise in his possession, any dutiable or prohibited goods;

A Section continued	
ARTICLE NO.	PROVISION
	<p>g. is in any way knowingly concerned in any fraudulent evasion or attempt at fraudulent evasion of any customs duty, or in evasion or attempt at evasion of any prohibition of import or export; or</p> <p>h. sells, exchanges or gives away or offers to sell, exchange or give away to any person in Brunei Darussalam, goods which are his duty-free allowances in Brunei Darussalam, shall be guilty of an offence and liable on conviction -</p> <p style="padding-left: 40px;">(i) in the case of uncustomed goods, such goods being dutiable goods, for the first offence, to a fine of not less than 6 times the amount of the customs duty or \$40,000, whichever is the lesser amount, and of not more than 20 times the amount of customs duty or \$40,000, whichever is the greater amount, and for a second or any subsequent conviction, to such fine, to imprisonment for a term not exceeding 2 years or both:</p> <p>Provided that when the amount of customs duty cannot be ascertained, the penalty may amount to a fine not exceeding \$40,000;</p> <p style="padding-left: 40px;">(ii) in the case of uncustomed goods, such goods not being dutiable or prohibited, to a fine not exceeding twice the value of the goods or \$8,000, whichever is the greater amount:</p> <p>Provided that where the value cannot be ascertained, the penalty may amount to a fine not exceeding \$8,000;</p> <p style="padding-left: 40px;">(iii) Subject to sub-paragraph (iv), in the case of prohibited goods, to a fine of not less than twice the value of the goods or \$40,000, whichever is the lesser amount, and of not more than 5 times the value of the goods or \$40,000, whichever is the greater amount:</p> <p>Provided that where the value of the goods cannot be ascertained, the penalty may amount to a fine not exceeding \$40,000</p> <p>(2) In any prosecution under this section or under section 147, any uncustomed or prohibited goods shall be deemed to be uncustomed or prohibited goods, as the case may be to the knowledge of the defendant unless the contrary is proved by such defendant.</p>
145	<p>Penalty for offering or receiving bribes and abuse of authority.</p> <p>(1) If any officer of customs</p> <p>a. makes any collusive seizure or delivers up or makes any agreement to deliver up or not to seize any vessel or aircraft or other means of conveyance, or any goods liable to seizure;</p> <p>b. accepts, agrees to accept, or attempts to obtain, any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty;</p> <p>c. conspires or connives with any person to import or export or is in any way concerned in the importation or exportation of any goods liable to customs duty or any goods prohibited to be imported or exported for the purpose of seizing any vessel, aircraft or conveyance or any goods and obtaining any reward for such seizure or otherwise;</p> <p>d. conspires or connives with any person to do any act or thing whereby the customs revenue is or may be defrauded, or which is contrary to this Order or the proper execution of his duty;</p> <p>e. knowingly demands from any person an amount in excess of the authorised customs duty;</p> <p>f. withholds for his own use or otherwise any portion of the amount of the customs duty collected;</p> <p>g. renders a false return, whether orally or in writing, of the amount of customs duty collected or received by him;</p> <p>h. defrauds any person, embezzles any money or otherwise uses his position to deal wrongly with customs; or</p> <p>i. not being authorised under this Order to do so, collects or attempts to collect customs duty, he shall be guilty of an offence and liable on conviction to a fine not exceeding \$40,000, imprisonment for a term not exceeding 7 years or both, and any person who gives or offers, or promises to give or procures to be given, any bribe, gratuity, recompense or</p>

A Section continued	
ARTICLE NO.	PROVISION
	<p>reward to, or makes any collusive agreement with, any such officer or person to induce him in any way to neglect his duty or to do, conceal or connive at any act whereby any of the provisions of this Order or of any other law relating to imports or exports may be evaded, shall be guilty as an abettor and punishable under this Order accordingly.</p> <p>(2) Any officer of customs who is found when on duty to have in his possession any money in contravention of any departmental regulations issued in writing shall be presumed, until the contrary is proved, to have received the same in contravention of subsection (1).</p> <p>(3) If an officer of customs has reasonable suspicion that another officer of customs junior in rank to him has in his possession any money received in contravention of subsection (1), he may search such other officer.</p> <p>(4) No female officer of customs shall be searched except by another female with strict regard to decency.</p>
147	<p>Attempts and abetment.</p> <p>(1) Any person who attempts to commit any offence punishable under this Order, or abets the commission of any such offence, shall be guilty of that offence and liable on conviction to the penalties provided for such first-mentioned offence.</p> <p>(2) Any officer of customs, whose duty it is to prevent the commission of any offence under this Order, who attempts to commit or abets the commission of, or does any act preparatory to or in furtherance of the commission of, such offence shall be guilty of that offence and liable on conviction to a fine not exceeding \$40,000, imprisonment for a term not exceeding 7 years or both.</p>

4.3 EXTRADITION

A Extradition Order 2006

AGENCY	Attorney General's Chambers
ARTICLE NO.	PROVISION
3	<p>An offence is an extradition offence if –</p> <p>a. it is an offence deemed by any written law or any treaty to which Brunei Darussalam is a party to be an extradition offence; or</p> <p>b. it is an offence against a law of the requesting country for which the maximum penalty is death or imprisonment, or other deprivation of liberty, for a period of not less than one year, and</p> <p>the conduct that constitute the offence, if committed in Brunei Darussalam, would constitute an offence in Brunei Darussalam for which the maximum penalty is death or imprisonment, or other deprivation of liberty, for a period of not less than one year.</p>

4.4 MUTUAL LEGAL ASSISTANCE TO RECOVER PROCEEDS OF CRIME

A Mutual Assistance in Criminal Matters Order, 2005

AGENCY	Mutual Legal Assistance and Extradition Secretariat, Attorney General's Chambers
ARTICLE NO.	PROVISION
3	<p>Objects of Order.</p> <p>The objects of this Order are to facilitate the provision and obtaining by Brunei Darussalam of international assistance in criminal matters, including -</p> <p>a. the obtaining of evidence, documents, articles or other things;</p> <p>b. the making of arrangements for persons, including detained persons, to give evidence or assist an investigation;</p>

A Section continued	
ARTICLE NO.	PROVISION
	<ul style="list-style-type: none"> c. the confiscation of property in respect of an offence; d. the service of documents; e. the identification and location of persons; f. the execution of requests for search and seizure; g. the provision of originals or certified copies of relevant documents and records, including Government, bank, financial, corporate or business records; and h. any other type of assistance that is not contrary to the laws of Brunei Darussalam.
4	<p>Application of Order.</p> <p>(1) This Order applies to any foreign country, subject to -</p> <ul style="list-style-type: none"> a. any mutual assistance treaty between that country and Brunei Darussalam; and b. any multilateral mutual assistance treaty being a treaty to which that country and Brunei Darussalam are parties. <p>(2) This Order does not prevent the provision or obtaining of international assistance in criminal matters to or from the International Criminal Police (Interpol) or any other international organisation.</p> <p>(3) This Order does not prevent the provision or obtaining of international assistance in a criminal matter to or from any foreign country other than assistance of a kind that may be provided or obtained under this Order.</p>

5 PENALTIES

5.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME						
Law and relevant provisions	Section/ Article No.	Min	Fine*		Imprisonment**	
				Max	Min	Max
Wild Life Protection Act, Chapter 102	Section 4, Subsection 3			2,000 BND-	1	1
	Section 4, Subsection 4			1,000 BND-	6 mth	6 mth
	Section 7			2,000 BND-	1	1
	Section 9			2,000 BND-	1	1
	Section 8			1,000 BND-	6 mth	6 mth
Wild Flora and Fauna Order, 2007	Section 47 (1) (a)/ 48 (1) (a)			100,000 BND- (Individual) 200,000 BND- (Body Corporate)		5
Wild Flora and Fauna Order, 2007	Section 47 (1) (b)/ Sec- tion 48 (1) (b)			50,000 BND- (Individual) 100,000 BND- (Body Corporate)		5
Wild Flora and Fauna Order, 2007	Section 47 (1) (c)			37,500 BND- (Individual) 75,000 BND- (Body Corporate)		5
Wild Flora and Fauna Order, 2007	Section 48			10,000 BND- (Individual) 20,000 BND - (Body Corporate)		
Wild Flora and Fauna Order, 2007	Section 50			5,000 BND-		2
Wild Flora and Fauna Order, 2007	Section 51			2,000 BND-		3 mth
Fisheries Order, 2009	Section 17			100,000 BND- (Owner and mas- ter of the vessel) 2,500 BND- (Every member)		5
Fisheries Order, 2009	Section 38			50,000 BND-		1
	Section 40			10,000 BND-		1

* In local currency Brunei Dollar (BND)

** In years unless otherwise indicated.

5.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME

Law and relevant provisions	Section/ Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Forests Act, Chapter 46	Section 26 Offence against the provisions of section 19(b), (d) or (e) or section 7, 20			5	5
	Section 26 Offence against the provisions of section 19(a) or (c)			1	1
	Section 26 Offence against the provisions of section 19(f)			1	1
	Section 26 Offence against the provisions of section 19(g)			1	1
	Section 26A		500,000 BND-		5
	Section 26B		10,000 BND-		3
	Section 27			5	5

5.2 PENALTIES UNDER OTHER NATIONAL LAWS

Law ² and relevant provisions ³	Section/ Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max ⁴
Criminal Asset Recovery Order 2012	Section 3		500,000 BND- 1,000,000 BND- (For Body Corporate)		10
Prevention of Corruption Act, Chapter 131	Sections 6 (a), (b) and (c)		30,000 BND-		7 10 (enhanced)
Customs Order, 2006	Section 138		40,000 BND- or the amount of customs duty payable		1
	Section 140 Uncustomed dutiable goods	40,000 BND- 29,535.46 USD or 6 times the amount of the customs duty	40,000 BND- or 20 times the amount of customs duty		2 (only if second offence)
	Section 140 Uncustomed goods not being dutiable or prohibited		8,000 BND- or twice the value of the goods		
	Section 140 Prohibited goods	40,000 BND- 29,535.46 USD or twice the value of the goods	40,000 BND- or 5 times the value of the goods		

6 ANNEXES

A OVERVIEW OF LAW ENFORCEMENT PROCESS FOR WILDLIFE CRIME INVESTIGATION

REPORTING OF OFFENCE

Public can report any incidents of Wildlife Crime to the Royal Brunei Police Force or to the Wildlife Division of the Ministry of Industry and Primary Resources

Similarly, Law Enforcement Agencies that discover any offences can report the matter e.g. Royal Customs and Excise Department finding wildlife upon Customs Inspection of Goods

INFORMATION AND EVIDENCE GATHERING

Royal Brunei Police Force, Wildlife Division of the Ministry of Industry and Primary Resources will conduct further investigations to establish if an offence is committed utilizing provisions of the Criminal Procedure Code, Cap 7, the Wildlife Protection Act, Cap 102 and the Wild Fauna and Flora Order 2007

Any seized exhibits /evidence or specimens will be in the custody of the authorised officers.

ARREST OF SUSPECT/ REMAND

If a suspect/accused has been identified, the accused will be dealt with by the respective enforcement agency utilizing provisions of the Criminal Procedure Code, Cap 7, the Wildlife Protection Act, Cap 102 and the Wild Fauna and Flora Order 2007

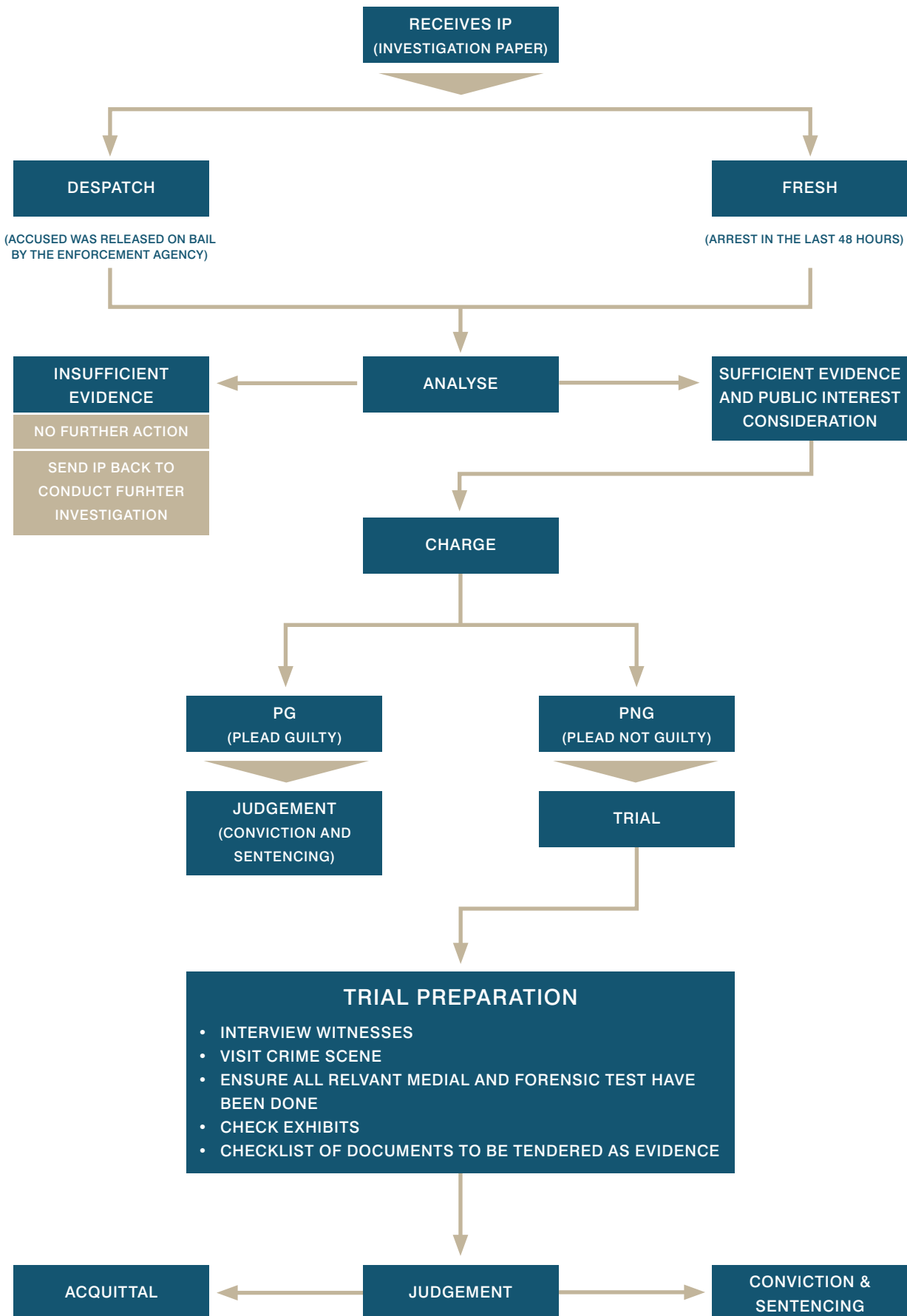
SEIZURE AND HANDLING OF EVIDENCE

Any evidence obtained and seized will be dealt with by the respective enforcement agency utilizing provisions of the Criminal Procedure Code, Cap 7, the Wildlife Protection Act, Cap 102 and the Wild Fauna and Flora Order 2007

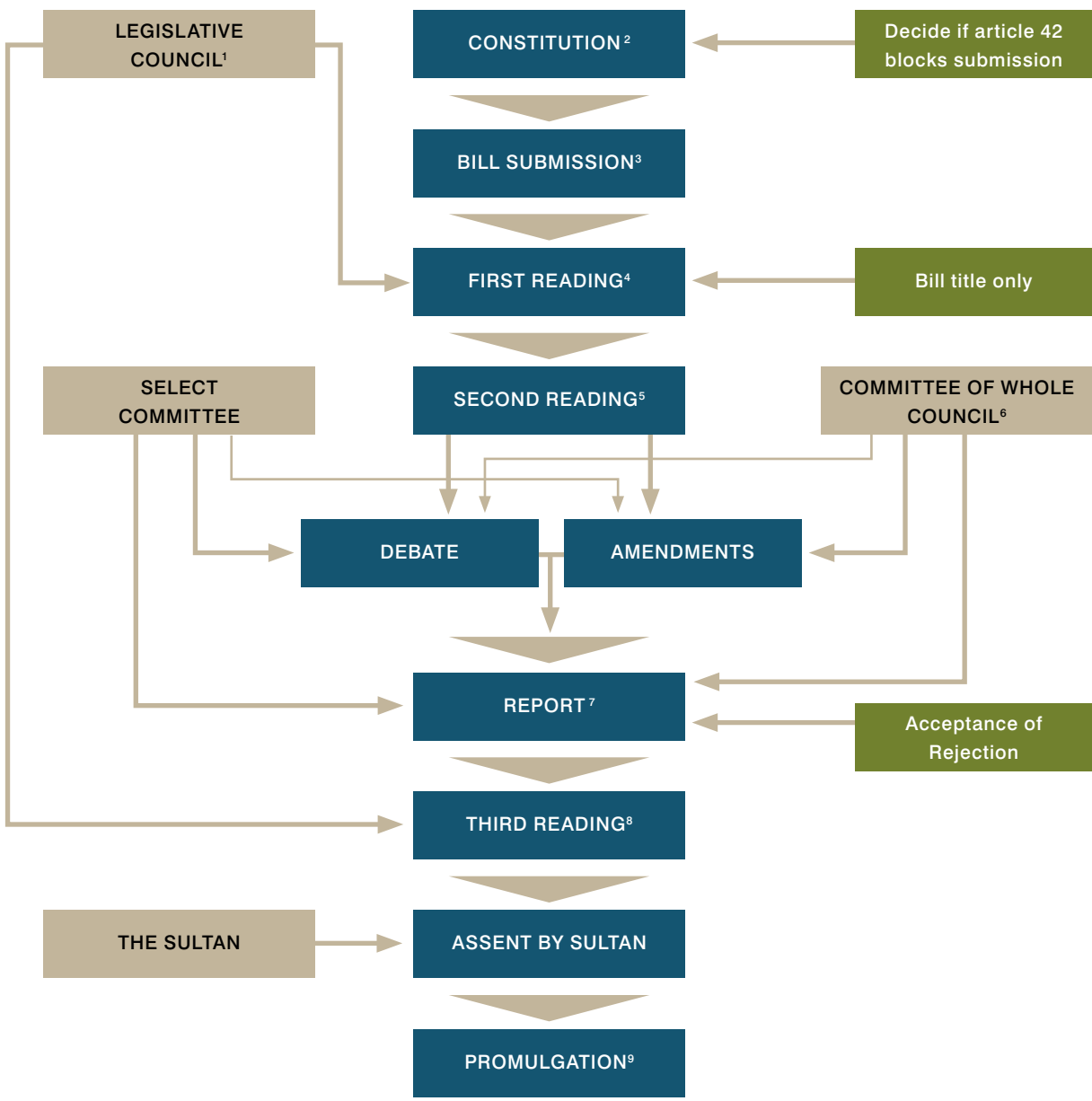
CHARGING A SUSPECT

Once investigations have been completed, the investigation papers will be forwarded to the Public Prosecutor to consider whether any charges will be issued against the accused. The Public Prosecutor, before charging the accused in the Courts will consider whether the accused should be charged based on the 2 overriding considerations of sufficiency of evidence and the public interest

B OVERVIEW OF LEGAL PROCESS AND PROCEDURE FOR PROSECUTION AND SENTENCING OF WILDLIFE CRIMES



C OVERVIEW OF LEGISLATIVE PROCESS BRUNEI DARUSSALAM¹⁰



Footnotes:

- 1 All 33 members appointed by the Sultan
- 2 Article 42 of the Constitution specifies members of the Council may not introduce draft laws if they relate to certain categories e.g. Royalty, Bank Notes or Religion
- 3 Laws can be proposed by members of the Legislative Council
- 4 Read by member pushing proposed law's introduction
- 5 After 2nd reading the Bill is either sent to CoWC or Select Committee
- 6 Comprised of every member of the Legislative Council
- 7 Report made by Select Committee is sent to CoWC
- 8 Clerk of Council will announce if Bill has passed or not
- 9 Once assented by the Sultan, the law will be published in the Government Gazette
- 10 SHERLOCK S (2015), One ASEAN: Many Systems. Legislative Procedures of AIPA Member Parliaments. ISBN 978-602-72633-1-4. The flowchart for the legislative process was created based on the information provided in this document.

D LIST OF NATIONAL LAWS

- 1 Antiquities and Treasure Trove Act, Chapter 31, Revised Edition 2002
- 2 Agricultural Pests and Noxious Plants Act, Chapter 43, 1971
- 3 Anti-Terrorism Order, 2011
- 4 Arms and Explosive Act, Chapter 58, Revised Edition 2002
- 5 Biological Weapons Act, Chapter 87, 1975
- 6 Customs Order, 2006
- 7 Computer Misuse Act, Chapter 194, Revised Edition 2007
- 8 Criminal Asset Recovery Order, 2012
- 9 Extradition Order, 2006
- 10 Evidence Act, Chapter 108, Revised Edition 2002
- 11 Fisheries Order, 2009
- 12 Forests Act, Chapter 46 (1951), Revised Edition 2013
- 13 International Transfer of Prisoners Order, 2011
- 14 Infectious Diseases Act, Chapter 204, 2010
- 15 Mutual Assistance in Criminal Matters Order, 2005
- 16 Medicines Order, 2007
- 17 Minor Offences Act, Chapter 30, Revised Edition 2013
- 18 Prevention of Corruption Act, Chapter 131, Revised Edition 2014
- 19 Public Health (Food) Act, Chapter 182 & Public Health (Food Regulations), Revised Edition 2012
- 20 Prevention of Pollution of the Sea Order, 2005
- 21 Penal Code, Chapter 22, Revised Edition 2001
- 22 Public Order Act, Chapter 148, Revised Edition 2002
- 23 Workplace Safety and Health Order, 2009
- 24 Wild Fauna and Flora Order, 2007
- 25 Wildlife Protection Act, Chapter 102, 1984



NATIONAL LAWS CAMBODIA



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1 EXECUTIVE SUMMARY

WILDLIFE LAWS

Cambodia has been a member of CITES since 1997 and it is a Category One country under CITES¹. There are a number of legislation that are relevant to the conservation and use of wildlife:

1. Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK)(29/05/2006)
2. Law on Forestry (NS/RKM/0802/016)(31/08/2002)
3. Law on Fisheries (2006)
4. Protected Area Law (2008)

The Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK)(29/05/2006) is the main legislation for the implementation of CITES obligations and has incorporated many crucial elements to the national law in accordance with CITES.

Some of these are the designation of Management and Scientific Authorities, correct inclusion of the Scientific Authority in the permit process, increase of penalty in case of subsequent offences, prohibition to conduct international trade in CITES-species for certain period of time if repeat the crime, criminalization of any violation of the Sub-Decree involving the cross-border trade in specimens. It incorporates all specimens of CITES listed species.

However, the penalties and investigation and enforcement powers in connection with a breach of the Sub-Decree are regulated under the Law on Forestry, Protected Area Law 2008, Law on Fisheries 2006, Criminal Procedure Code 2007 and the Criminal Code 2009.

The Law on Forestry categorizes wildlife species as common, rare and endangered. As the Law on Forestry does not make any reference to CITES or to CITES Appendices, it is not clear which categories of wildlife and which articles can be applied to CITES-violations. Furthermore, the Forestry Law covers only export and import and it is questionable whether possession and trade of illegally imported CITES-specimens has been penalized.

PENALTIES UNDER WILDLIFE LAWS

Under Cambodia's wildlife laws, the maximum imprisonment term for wildlife crime specifically against protected species is 10 years for crimes falling within Class I Forestry Offences², which meets the threshold under the UNTOC for it to qualify as a serious crime³. However, there is no fine prescribed for Class I Forestry Offences although it is available for Class II and Class III Forestry Offences⁴. The maximum fine prescribed is USD 37,565.74⁵.

INTERNATIONAL COOPERATION AND OTHER LAWS

It is noteworthy that Cambodia has ratified/acceded to the relevant international treaties⁶. Relevant laws have been passed, amended or were already in existence to comply with and complement the respective treaties. Notwithstanding that Cambodia is not a party to some of the listed conventions, it has laws on the relevant topics. However, it is noted that Cambodia does not have laws on mutual legal assistance notwithstanding that it is a party to the ASEAN Treaty on Mutual Legal Assistant on Criminal Matters 2004. Although it is the prerogative of a country to provide such assistance, mutual legal assistance is only available for drug related cases in Cambodia⁷.

Cambodia has a robust legal framework for anti-money laundering⁸ and anti-corruption⁹ activities. Wildlife trafficking is a predicate crime under Cambodia's anti-money laundering laws. With organized syndicates increasing involvement in wildlife trafficking, Cambodia shall definitely benefit from inter-agencies and regional cooperation in the fight against transnational and organized wildlife crime.

¹ Category One where its legislation is believed generally to meet all four requirements for effective implementation of CITES; Category Two where its legislation is believed generally to meet one to three of the four requirements for effective implementation of CITES; and category three where its legislation is believed generally to not meet any of the four requirements for effective implementation of CITES.

² Article 93, Law on Forestry. Pursuant to Article 97 of the same law, hunting, killing, trading or exporting of endangered species is a Class I Forestry Offence. 10-15 years under Article 78, Act No. 41/ 1999 on Forestry, on forest-related crimes.

³ In accordance with Article 2 of the UNTOC.

⁴ Article 93, Law on Forestry.

⁵ Converted from local currency into USD by using the UN Exchange Rates from 1/02/2015.

⁶ See section 2 on International convention, treaties and agreements: relevant laws

⁷ UNODC, Regional Criminal Justice Cooperation in Southeast Asia's Era of Integration, September 2015

⁸ Anti-Money Laundering and Combating the Financing of Terrorism Law (NS/RKM/0607/014) (24/06/2007); Criminal Code 2009.

⁹ Law on Anti-Corruption (NS/RKM/ 0410/ 004) (17/04/2010);Criminal Code 2009

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF ACCESSION: 2 OCTOBER 1997</p>
<p>a. Law on Enactment Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (NS/RKM/0112/002) (02/01/2012)</p> <p>b. Law on Forestry (NS/RKM/0802/016)(31/08/2002)</p> <p>c. Law on Fisheries (2006)</p> <p>d. Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)</p>	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF ACCESSION: 12 DECEMBER 2005</p>
<p>a. Anti-Money Laundering and Combating the Financing of Terrorism Law (NS/RKM/0607/014) (24/06/2007)</p> <p>b. Criminal Procedure Code of the Kingdom of Cambodia</p>	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF ACCESSION: 5 SEPTEMBER 2007</p>
<p>a. Law on Anti-Corruption (NS/RKM/ 0410/ 004) (17/04/2010)</p> <p>b. Anti-Money Laundering and Combating the Financing of Terrorism Law (NS/RKM/0607/014) (24/06/2007)</p> <p>c. Criminal Code 2009</p>	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF ACCESSION: 8 JANUARY 2008</p>
<p>a. Law on Customs (NS/RKM/0707/017) (20/07/2007), as amended by Law on Amendment to the Law on Anti-Corruption (NS/RKM/0811/017) (01/08/2011)</p>	
<p>5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995</p>	<p>DATE OF ACCESSION: 13 OCTOBER 2004</p>
<p>a. Sub-Decree on Phytosanitary Inspection</p>	
<p>6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL</p>	<p>DATE OF ACCESSION: 9 FEBRUARY 1995</p>
<p>a. Law on Environmental Protection and Natural Resources Management</p> <p>b. Law on Forestry (NS/RKM/0802/016)(31/08/2002)</p> <p>c. Law on Fisheries</p> <p>d. Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)</p> <p>e. Protected Area Law</p>	

7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972	DATE OF ACCESSION: 28 NOVEMBER 1991
a. Law on protection of cultural heritage (NS/RKM/0196/26) (25/01/1996)	
8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2004	DATE OF RATIFICATION: 26 JANUARY 2010
-	
9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012	DATE OF RATIFICATION: 2006 THROUGH MEMBERSHIP OF ASIA/PACIFICGROUP ON MONEY LAUNDERING (APG)
a. Law on Anti-Money Laundering and Combating Financing of Terrorism	

3 KEY PROVISIONS OF WILDLIFE LAWS

3.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
49	<p>It is strictly prohibited to hunt, harm or harass all wildlife:</p> <ol style="list-style-type: none"> (1) Using all types of dangerous means; (2) Hunting during the prohibited season; and (3) Hunting in protected zones and special public areas. <p>The Forestry Administration, upon the agreement from Ministry of Agriculture, Forestry and Fisheries, has the authority to issue a permit involving rare and endangered species for the following purposes:</p> <ol style="list-style-type: none"> (1) For educational or scientific research; (2) In support of a Captive Breeding Program; (3) To exchange wildlife species pursuant to international cooperation agreements; <p>It shall be prohibited to commit the following activities against rare and endangered wildlife species:</p> <ol style="list-style-type: none"> (1) Harass or harm any such species above or its habitat; (2) Hunt, net, trap or poison; (3) Possess, stock or maintain as a zoo or in a family house; (4) Transport; (5) Trade; and (6) Export-Import. <p>Rules on the activities related to all types of wildlife species shall be determined by Joint-Prakas between the Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment</p>
93	<p>Any person or legal entity that violates a provision of this law shall be subject to the penalties as follow:</p> <ol style="list-style-type: none"> (1) Class I Forestry Offenses –five (5) to ten (10) years in prison and confiscate all evidence as state property; (2) Class II Forestry Offenses –one (1) to five (5) years in prison and/or a fine of ten millions (10.000.000) Riels to one hundred millions (100.000.000) Riels and confiscate all evidence as State property; (3) Class III Forestry offenses –one (1) month to one (1) year in prison or fine of one million (1.000.000) Riels to ten millions (10.000.000) Riels and confiscate all evidence as State property. (4) Warning, repairing damage, transactional fines, revocation or suspension of agreements or permits. <p>The basic market value for Forest Products & By-products shall be determined by the Prakas of Ministry of Agriculture, Forestry and Fisheries for uniform implementation in the country</p>
96	<p>An individual who has committed the following forestry offenses shall be subject to a transactional fine from the Forestry Administration for two (2) to three (3) times the market value of real evidence:</p> <ol style="list-style-type: none"> (1) Fell tree without mark authorizing the felling; (2) Transport Forest Products & By-products without a permit;

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(3) Stock Forest Products & By-products without a permit;</p> <p>(4) Transport Forest Products & By-products contrary to the destination or exceeding the quantity authorized in the permit;</p> <p>(5) Use an expired transport permit for Forest Products & By-products;</p> <p>(6) Actual specifications of Forest Products & By-products contrary to those described in a transport permit;</p> <p>(7) Stock Forest Products & By-products exceeding the quantity authorized in a permit;</p> <p>(8) Export Forest Products & By-products, forest seed and vegetation species exceeding the amount in the applicable license;</p> <p>(9) Fell, saw, split and chop logs within the Permanent Forest Reserve, or use chain saw as a means to harvest forest products without permit or tag;</p> <p>(10) Harvest Forest Products & By-products during unauthorized hours;</p> <p>(11) Transport Forest Products & By-products that were obtained from felling or harvesting contrary to the provision of this law;</p> <p>(12) Forest Products & By-products for processing obtained from felling or harvesting contrary to the provision of this law;</p> <p>(13) Sell/buy or distribute Forest Products & By-products that were obtained from felling, finding, transporting or processing contrary to the provisions of this law;</p> <p>(14) Forest Products & By-products that were obtained from harvesting, transporting and processing contrary to the provision of this law;</p> <p>(15) Export Forest Products & By-products without a Visa approved by the director of the Forestry Administration;</p> <p>(16) Raise or breed any endangered wildlife species;</p> <p>(17) Possess, process, stock, transport or import rare wildlife species or specimens;</p> <p>(18) Raise or breed any rare wildlife species;</p> <p>(19) Transport, trade, stock, process or import common species or specimen without permit;</p> <p>(20) Hunting in public area.</p> <p>Any individual who has violated the provision of the 1st paragraph of this Article multiple times within a month shall be fined two (2) to four (4) times the market value of evidence by the Forestry Administration.</p> <p>All real evidence of forestry offenses shall be confiscated as state property consistent with the provisions of this law. Other evidence of the offenses stated in this article 96, other than Forest Products & By-products, may be returned to the owner.</p>
97	<p>Any individual who has committed the following forestry offenses shall be punished under a Class I forestry offense subject to five (5) to ten (10) years in prison and confiscation of all evidence as state property, revocation of applicable agreements, licenses or permits, and destruction of false real evidence:</p> <p>(1) Forge or use fake hammer-Stamp, or destroying the mark of the Forestry Administration affixed on logs;</p> <p>(2) Falsification or unauthorized use of the uniform, insignia, hierarchical ranking badge of the Forestry Administration Officer;</p> <p>(3) Falsify public documents related to forestry or wildlife domain;</p> <p>(4) Destroy, hide, sell, or steal forest evidence;</p> <p>(5) Destroy, alter, or damage the boundary posts of the forest areas;</p> <p>(6) Clear forestland and enclose it to claim for ownership;</p> <p>(7) Set forest fires intentionally;</p> <p>(8) Gird bark, poison, destroy, fell or uproot trees to collect stumps;</p>

A Section continued

ARTICLE NO.	PROVISIONS
	<p>(9) Establish processing base for yellow vine or craft base of other Forest By-products that leads to the destruction of forest or forest ecology;</p> <p>(10) Hunt, kill, trade or export endangered wildlife species.</p> <p>Any individual who has committed the forestry offenses under class I multiple times shall be penalized double the punishment stated for class I forestry offense of this law.</p>
98	<p>Any individual who has committed the following forestry offenses shall be punished under class II forestry offenses subject to one (1) to five (5) years in prison and/or court fines of ten (10) million to one hundred (100) million Riel, and confiscation of all evidence as state property:</p> <ol style="list-style-type: none"> (1) Non-compliance with the technical regulation defined in the Code of Practice for Forest Management in Cambodia; (2) Non-compliance with management plan and annual Forest Products & By-products harvest plan; (3) Misuse of a forest use permit to harvest Forest Products & By-products; (4) Use machinery or vehicle with the purpose of Forest Products & By-products harvesting without permit or tags; (5) Quarry, excavate stone or sand, or mine within the Permanent Forest Reserve; (6) Use forest land exceeding the size of the area authorized in the permit or without permit to construct public road, forest road or all types of building or residence along the road with in the Permanent Forest Reserve; (7) Establish a forest industry base, sawmill, Forest Products & By-products processing facility at large and medium scale without a Prakas issued by Ministry of Agriculture, Forestry and Fisheries; (8) Establishing all types of kilns that use Forest Products & By-products as raw material without permit; (9) Hunt wildlife in closed season or in protected zones; (10) Hunt, kill, trade, or export rare species; (11) Hunt wildlife by dangerous means that harm to animal biology; and (12) Posses, process, stock, transport or import endangered wildlife species or specimens. <p>Any individual who has committed the following activities shall be punished under a class II forestry offense subject to one (1) to five (5) years in prison and a fine of ten (10) million to one hundred (100) million Riel, and confiscation of all evidence as state property:</p> <ol style="list-style-type: none"> (1) Harvest Forest Products & By-products without a permit; (2) Harvest Forest Products & By-products outside a coupe area as stated in a permit or outside the location set forth in the annual operational plan; (3) Transfer a right or sell a license or permit without permission; (4) Fell trees within a State Forest plantation; (5) Fell trees with a classified diameter smaller than allowed, that are rare species, that local people tap for resin or that yield high-value resin; (6) Import seeds of forest vegetation species without a visa from the scientific authorities from the exporting country and without permission from Ministry of Agriculture, Forestry and Fisheries; (7) Export Forest Products & By-products without license; <p>Any individual who has committed class II forestry offense multiple times shall be penalized as stated for a class I forestry offence in this law.</p>
99	<p>Any individual who has committed the following offenses shall be punished under class III forestry offense subject to one (1) month to one (1) year in prison or fine of one (1) million to ten (10) million Riel. All evidence shall be confiscated as state property:</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(1) Use any type of chainsaw to harvest Forest Products & By-products without permission from the Head of Forestry Administration;</p> <p>(2) Import all types of machinery, vehicles and chainsaws to harvest Forest Products & By-products without an appropriate evaluation by the Ministry of Agriculture, Forestry and Fisheries;</p> <p>(3) Export Forest Products & By-products in a container without a seal from the Forestry Administration;</p> <p>(4) Harass, harm, or collect egg or offspring of, an endangered or rare wildlife species or destroy its habitat;</p> <p>(5) Establish stock place, wholesale and retail depot for Forest Products & By-products or small scale of Forest Products & By-products processing facilities without permit or contrary to permission.</p> <p>(6) Establish industrial forest factory, sawmill, Forest Products & By-products processing facilities or any type of kiln that use Forest Products & By-products as raw material or as an energy source contrary to permission of the Forestry Administration.</p> <p>Any individual who commits a class III of forestry offense multiple times shall be penalized as stated for class II of forestry offense in this law.</p>

B Law on Fisheries 2006	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
68	<p>Exporting, importing, buying, selling, transporting, processing and stocking of endangered fishery products shall only be authorized for products from aquaculture and/or in compliance with article 64, 65, 66 and 67 of the law on Fisheries and CITES Convention.</p> <p>The endangered fishery products shall be determined by a sub-decree.</p>
89	<p>Physical or legal person that violates the provision of this law shall be subject to the penalties as follow:</p> <p>(1) For fishery offense class 1: shall be imprisoned from 3 to 5 years and all evidences shall be seized for the state property.</p> <p>(2) For fishery offense class 2: shall be imprisoned from 1 to 3 years and shall be subjected to a fine from 5,000,000 to 50,000,000 Riels. All evidences shall be seized for the state property.</p> <p>(3) For fishery offense class 3: shall be imprisoned from 1 month to 1 year or must be subjected to a fine from 1,000,000 to 5,000,000 Riels. All evidences can be seized for the state property.</p> <p>(4) Transactional fining, destruction, termination, seizing or suspending of agreement or license.</p> <p>The market price of fishery product and fishing gears, and proportional levels of fishing fee as a basis of fining shall be defined by the Ministry of Agriculture, Forestry and Fisheries to be implemented through out country.</p>
92	<p>Shall be subject to a transactional fine by the Fisheries Administration in cash from two to three times on the market price of the obvious evidence while all evidence shall be returned to the owner who has committed one of the following fishery offenses:</p> <p>(1) All types of fishings that may cause obstruction to fish migration route in the Great Lake bottleneck areas;</p> <p>(2) Catching, selling, buying, transporting, collecting processing and stocking all types of endangered natural fishery products;</p> <p>(3) Posting to establish new fishing lots or industrial fishing in the open access areas;</p> <p>(4) Exporting and importing all types of natural fishery products of endangered species;</p>

B Section continued	
ARTICLE NO.	PROVISIONS
	<p>(5) Commercial collection, transportation, and stocking of woods, firewood or charcoals of inundated and mangrove forest species.</p> <p>Whoever committing fishery offense as stipulated in this article from twice onward shall be double fined of this article by the Fisheries Administration and the obvious evidence shall be seized as state property.</p>
93	<p>Shall be subject to a double price transactional fine in cash by the Fisheries Administration on the market price of the obvious evidence while all evidence shall be returned to the owner who has committed one of the following fishery offenses:</p> <ol style="list-style-type: none"> (1) Stocking fishery products without license over or less than quantity and/or different items defined in the license; (2) Transshipping marine fishery products for exporting purpose without permission; (3) Transportation of fishery products without permission, over quantity, expired date, in wrong place of direction and/or wrong pass way, wrong transportation means defined in license; (4) Transportation of fishery products without payment receipt and/or stocking license or do not deduct the quantity from the stocking license; (5) Import and exports fishery products without license; (6) Import and exports fishery products without quality control certificate in fisheries pathology; (7) Conduct all types of aquaculture contraries to this law, without license, wrong species and/or do not follow the technical regulation; (8) Buying, selling coral or ornamental shells of rare species. <p>Whoever committing fishery offense as stipulated in this article from twice onward shall be fined double cost of this article by the Fishery Administration and the obvious evidence shall be seized as state property.</p>
94 -104	<p>Articles 94 to 104 deal with various fishery offenses with different levels of penalties. A fishery offence is a peculiar criminal offence as stipulated in this law.</p> <p>The officers of the Fisheries Administration have the competence as a Judicial Police Officer in investigating the fishery offence and file a complaint to the competent tribunal. Investigating, controlling, preventing and protecting against fishery offence are the competence of the Fisheries Administration.</p> <p>The operation of the Fisheries Administration Officials habilitated as Judicial Police Officers has to abide by the law on penal procedures.</p>
72	<p>A fishery offence is a peculiar criminal offence as stipulated in this law.</p> <p>The officers of the Fisheries Administration have the competence as a Judicial Police Officer in investigating the fishery offence and file a complaint to the competent tribunal. Investigating, controlling, preventing and protecting against fishery offence are the competence of the Fisheries Administration.</p> <p>The operation of the Fisheries Administration Officials habilitated as Judicial Police Officers has to abide by the law on penal procedures.</p>

C Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
10	<p>The export, import, re-export and introduction from the sea of specimens of wild animal and plant species, listed on CITES Appendix I, for primarily commercial purposes, is prohibited. Exceptions to this prohibition shall only be permitted as provided in the Sub-decree.</p> <p>The export, import, re-export and introductions from the sea of specimens of wild animal and plant species, listed on CITES Appendix I, shall meet the following conditions:</p>

C Section continued

ARTICLE NO.	PROVISIONS
	<ol style="list-style-type: none"> 1. For not primarily commercial purposes; 2. In compliance with the laws of the Kingdom of Cambodia; and 3. The permit issued by the Cambodia CITES Management Authority is based on the following conditions: <p>A Export:</p> <ul style="list-style-type: none"> • The Cambodia CITES Scientific Authority has advised that such export will not be detrimental to the sustainable survival of the species in the wild; • The Cambodia CITES Management Authority accepts the determination of the CITES Management Authority of importing state with the following reasons: <ol style="list-style-type: none"> 1. The purpose of the import is not for primarily commercial purposes; 2. The specimens have been legally obtained in accordance with the laws of the Kingdom of Cambodia; and 3. Any living specimens will be so prepared and shipped as to minimize the risk of injury, cruel treatment or damage to health. <p>B Import:</p> <ul style="list-style-type: none"> • The Cambodia CITES Scientific Authority has advised that the import will not be detrimental to the sustainable survival of the species in the wild; • The Cambodia CITES Management Authority is satisfied the following reasons: <ol style="list-style-type: none"> 1. The import of specimens into Kingdom of Cambodia complies with CITES provisions; 2. The specimen is not to be used for primarily commercial purposes; and, 3. Any living specimens will be so prepared and shipped so as to minimize the risk of injury, cruel treatment or damage to health. <p>C Re-Export:</p> <p>The Cambodia CITES Management Authority is satisfied the following statement:</p> <ol style="list-style-type: none"> 1. That the specimens have been legally imported into the Kingdom of Cambodia; 2. Any living specimens will be so prepared and shipped as to minimize the risk of injury, cruel treatment or damage to health; and, 3. The purpose of the import is not for primarily commercial purposes. <p>D Introduction from the Sea:</p> <ul style="list-style-type: none"> • The Cambodia CITES Scientific Authority has advised that such introduction will not be detrimental to the sustainable survival of the species in the wild; • The Cambodia CITES Management Authority is satisfied that: <ol style="list-style-type: none"> 1. Proposed recipient of a living specimen is equipped to house and care for it; and 2. The specimen will not be used for primarily commercial purposes.
19	<p>Any violation of this sub-decree involving the cross-border trade in specimens of all wild animal and plant species listed in CITES appendices as defined in the Forestry Law and other relevant laws in the Kingdom of Cambodia is a criminal offense.</p>

D Protected Area Law 2008

AGENCY	Ministry of Environment
ARTICLE NO.	PROVISIONS
45	<p>Natural resource offences are criminal offences that are specially defined as mentioned in this law.</p> <p>Officials of the Nature Protection and Conservation Administration having duties as judicial police officers shall have authority to investigate, prevent, and crack down on natural resource offences within their assigned territory and file such case with the court.</p> <p>Operations by the Nature Protection and Conservation Administration officials who are commissioned as justice police officials shall be carried out in accordance with the law on criminal procedures of the Kingdom of Cambodia.</p> <p>After a court decision or judgment is made, any confiscated evidence shall be managed in accordance with the procedures of the Nature Conservation and Protection Administration of the Ministry of Environment</p>
56	<p>A person who commits offence against the provisions of this law shall receive punishment as follows:</p> <p>(1) Natural resources offences of the first grade: Warning, payment of restoration damages, transaction fines, termination or suspension of agreements or permits.</p> <p>(2) Natural resources offences of the second grade: One (1) month to one (1) year's imprisonment and/or fines from one and a half million Riels (1,500,000) to fifteen million Riels (15, 000,000).</p> <p>(3) Natural resources offences of the third grade: One (1) year to five (5) years' imprisonment and/or fines from fifteen million Riels (15,000,000) to one hundred and fifty million Riels (150,000,000).</p> <p>(4) Natural resources offences of the fourth grade: Five (5) years to ten (10) years' imprisonment plus fines from fifteen million Riels (15,000,000) to one hundred and fifty million Riels (150,000,000). In case the offender is a legal entity the fines shall be from one hundred and fifty million Riels(150,000,000) to two hundred and fifty million Riels (250,000,000). All evidence shall be confiscated as State property.</p>
59	<p>Offences of the following violations shall receive punishment by transaction fines or pay restoration damages and all evidence of the following offences committed in the protected areas shall be confiscated as State property:</p> <p>(1) Cut, uproot, fell, encroach and clear forest land, prune, strangle, collect, destroy natural resources</p> <p>(2) Cause injury or damage to plants and wildlife</p> <p>(3) Collect and transport natural resources products and by-products without permit</p> <p>(5) Wildlife, and wildlife specimen trading, and raising</p> <p>(6) Illegal fishing practice harmful to national resources, both marine and freshwater, flooded forests, mangroves, corals and seaweeds.</p> <p>A person who commits offence as specified in this article for a multiple time shall be penalized double the value of transaction fines and shall pay restoration damages.</p>
60	<p>Those who shall be punished for natural resources offences of the second grade with evidence being confiscated as State property are any persons who commit the following offences:</p> <p>(1) Use all kinds of poisonous substances that can have adverse impacts to natural resources Law on Nature Protection Area (Protected Areas Law)_080104_080104 « The Council for the Development of Cambodia (CDC) http://www.cambodiainvestment.gov.kh/law-on-nature-protection-area-protected-areas-law_080104_080104.html[17/02/2015 10:52:37]</p>

D Section continued	
ARTICLE NO.	PROVISIONS
	<p>(2) Causing forest fire by mistake;</p> <p>(3) Destroy wildlife habitats, collect eggs or chicks, disturb, cause injury to offspring of regional flagship</p> <p>(4) Wildlife species or migratory species for feeding, reproduction and nurturing;</p> <p>(5) Destroy young trees planted in restored ecosystem;</p> <p>(6) Operation of equipment that may disturb by noise, vibration, wave, and smoke;</p> <p>(7) Hide, steal, sell, destroy or damage evidence of offences;</p> <p>(8) Collect wild fruits by way of felling trees</p> <p>(9) Destroy, change, remove, or damage signage of all kinds.</p> <p>(10) Build or install boundary posts or markers, fences, putting signs for the purposes of Ownership</p>
61	<p>Those who shall be punished for natural resources offences of the third grade with evidence being confiscated as State property are any persons who commit the following offences:</p> <p>(4) Cut, prune, strangle, uproot, fell, collect, destroy, encroach and stock rare, vulnerable and critically endangered plants species that are determined by Prakas of the Ministry of Environment.</p> <p>(5) Catch, trap, hunt, cause injury, poison, kill, take out, collect eggs and offsprings from their original habitats of any vulnerable, rare, or critically endangered wildlife species as specified in the Prakas by the Ministry of Environment.</p> <p>Multiple time offenders shall be penalized double the value of transaction fines.</p>
63	<p>Any person who threaten and cause obstruction, injury or interference to Nature Conservation and Protection Administration Official in performing his functions and duty effectively shall receive a term of imprisonment between one (1) year to five (5) years and be fined from fifteen million Riels (15,000,000) to one hundred and fifty million Riels (150,000,000). Accomplice or collaborator shall receive the same punishment as the offender.</p>

3.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT /ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

Cambodia-WEN Coordination Unit (CWCU) was established in 11 May 2010 by Decision No. 766 RP.NNP of the Ministry of Agriculture, Forestry and Fisheries - Forestry Administration. The official title of the Decision is "Decision on Establishment of Cambodia WEN Coordination Unit (CWCU) Delegate of the Royal Government of Cambodia in charge as Chief of Forestry Administration" which noted Royal Order N° NS/RKM/0802/016 dated August 31, 2002 promulgating the use of Forestry Law; Sub-decree N° 17 ANKR.BK dated April 7, 2000 on Management and Function of the Ministry of Agriculture, Forestry and Fisheries; Sub-Decree no. 64 ANKR.BK dated September 11, 2003 on changing the name of Department of Forestry to Forestry Administration; Sub-decree N° 188 ANKR. BK date November 14, 2008 on restructuring the General Department of MAFF to General Secretariat and Forestry and Fisheries Administrations to General Department of FA; and based on actual requirements of the Forestry Administration. Cambodian-WEN consists of the Cambodian-WEN Coordination Unit (CWCU) and the Operational Task Force designated as the Wildlife Rapid Rescue Team (WRRT).

AGENCY	Ministry of Agriculture, Forestry and Fisheries (MAFF), Forestry Administration, Fisheries Administration, Border Police, Prosecutors, Cambodia Customs and Excise, CITES, Authorities from the Ministry of Environment, Economic Police, Gendarmerie
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3.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY AT LEAST FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY¹ OR BY LAW

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)

AGENCY Ministry of Agriculture, Forestry and Fisheries

ARTICLE NO. PROVISIONS

93 Any person or legal entity that violates a provision of this law shall be subject to the penalties as follow:

- (1) Class I Forestry Offenses –five (5) to ten (10) years in prison and confiscate all evidence as state property;
- (2) Class II Forestry Offenses –one (1) to five (5) years in prison and/or a fine of ten millions (10.000.000) Riels to one hundred millions (100.000.000) Riels and confiscate all evidence as State property;
- (3) Class III Forestry offenses –one (1) month to one (1) year in prison or fine of one million (1.000.000) Riels to ten millions (10.000.000) Riels and confiscate all evidence as State property.
- (4) Warning, repairing damage, transactional fines, revocation or suspension of agreements or permits.

The basic market value for Forest Products & By-products shall be determined by the Prakas of Ministry of Agriculture, Forestry and Fisheries for uniform implementation in the country

B Law on Fisheries 2006

AGENCY Ministry of Agriculture, Forestry and Fisheries

ARTICLE NO. PROVISIONS

89 Physical or legal person that violates the provision of this law shall be subject to the penalties as follow:

- (1) For fishery offense class 1: shall be imprisoned from 3 to 5 years and all evidences shall be seized for the state property.
- (2) For fishery offense class 2: shall be imprisoned from 1 to 3 years and shall be subjected to a fine from 5,000,000 to 50,000,000 Riels. All evidences shall be seized for the state property.
- (3) For fishery offense class 3: shall be imprisoned from 1 month to 1 year or must be subjected to a fine from 1,000,000 to 5,000,000 Riels. All evidences can be seized for the state property.

C Protected Area Law 2008

AGENCY Ministry of Environment

ARTICLE NO. PROVISIONS

56 A person who commits offence against the provisions of this law shall receive punishment as follows:

- (1) Natural resources offences of the first grade:
Warning, payment of restoration damages, transaction fines, termination or suspension of agreements or permits.
- (2) Natural resources offences of the second grade:
One (1) month to one (1) year's imprisonment and/or fines from one and a half million Riels (1,500,000) to fifteen million Riels (15, 000,000).
- (3) Natural resources offences of the third grade:
One (1) year to five (5) years' imprisonment and/or fines from fifteen million Riels (15,000,000) to one hundred and fifty million Riels (150,000,000).
- (4) Natural resources offences of the fourth grade:
Five (5) years to ten (10) years' imprisonment plus fines from fifteen million Riels (15,000,000)

¹ Per definition in UNTOC

C Section continued	
ARTICLE NO.	PROVISIONS
	to one hundred and fifty million Riels (150,000,000). In case the offender is a legal entity the fines shall be from one hundred and fifty million Riels(150,000,000) to two hundred and fifty million Riels (250,000,000). All evidence shall be confiscated as State property.

D Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
25	Any individual who has committed CITES offenses multiple times shall be punished under multiple levels of offenses pursuant to provisions of the Forestry Law or other relevant existing laws shall be prohibited from conducting international trade in CITES species in the Kingdom of Cambodia for a period of three (3) to five (5) years.

3.4 PROTECTION OF NON-NATIVE SPECIES

A Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
2	<p>Any person or organization attempting to export, import, re-export or introduce from the sea any specimen listed on CITES Appendices for commercial purpose shall comply with the provisions of this Sub-decree</p> <p>Other procedures consistent with the laws in the Kingdom of Cambodia that may be applicable to the import, export, re-export or introduction of the sea of specimens listed on CITES Appendices shall not replace the requirements stated in this Sub-decree.</p>
10	<p>The export, import, re-export and introduction from the sea of specimens of wild animal and plant species, listed on CITES Appendix I, for primarily commercial purposes, is prohibited. Exceptions to this prohibition shall only be permitted as provided in the Sub-decree.</p> <p>The export, import, re-export and introductions from the sea of specimens of wild animal and plant species, listed on CITES Appendix I, shall meet the following conditions:</p> <p>(1) For not primarily commercial purposes;</p> <p>(2) In compliance with the laws of the Kingdom of Cambodia; and</p> <p>(3) The permit issued by the Cambodia CITES Management Authority is based on the following conditions:</p> <p>A Export:</p> <ul style="list-style-type: none"> • The Cambodia CITES Scientific Authority has advised that such export will not be detrimental to the sustainable survival of the species in the wild; • The Cambodia CITES Management Authority accepts the determination of the CITES Management Authority of importing state with the following reasons: <p>(1) The purpose of the import is not for primarily commercial purposes;</p> <p>(2) The specimens have been legally obtained in accordance with the laws of the Kingdom of Cambodia; and</p> <p>(3) Any living specimens will be so prepared and shipped as to minimize the risk of injury, cruel treatment or damage to health.</p> <p>B Import:</p> <ul style="list-style-type: none"> • The Cambodia CITES Scientific Authority has advised that the import will not be detrimental to the sustainable survival of the species in the wild; • The Cambodia CITES Management Authority is satisfied the following reasons:

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(1) The import of specimens into Kingdom of Cambodia complies with CITES provisions;</p> <p>(2) The specimen is not to be used for primarily commercial purposes; and,</p> <p>(3) Any living specimens will be so prepared and shipped so as to minimize the risk of injury, cruel treatment or damage to health</p>
11	The export, import, re-export and introduction from the sea of specimens of wild animal and plant species listed on CITES Appendices II and III shall be accompanied by a written permit and a CITES document issued by the Cambodia CITES Management Authority and shall be implemented the rule of procedures for export, import, re-export and introduction from the sea in accordance with requirements of the CITES Convention.

3.5 CATEGORIES OF WILDLIFE

A Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
Annex 1	Prevailing CITES Appendices I, II and III
Annex 2, Definition 32	Species listed in CITES Appendices: means all endangered wild animal and plant species or recognizable parts or derivative parts of that species listed on Appendix I, II, and III of CITES which attaches to Annex of this Sub-decree. All wildlife species and wild plant species, all aquatic animal and plant species in the Kingdom of Cambodia, which listed in existing Forestry law and fishery law shall harmonies with CITES Appendices. Shall not include in this Sub-decree or CITES implementation wild animal and plant species in the Kingdom of Cambodia that is not listed in CITES appendices.

3.6 MECHANISM FOR REVIEW AND UPDATE OF PROTECTED SPECIES LIST

A Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
3	<p>Amendments to the CITES Appendices I, II, and III, shall have legal force in the Kingdom of Cambodia automatically upon the date they have entered into force under the provisions of CITES Convention.</p> <p>Any proposed amendment of species listed on CITES appendices shall consult with the CITES Management Authority, CITES Scientific Authorities and the Ministry of Environment for all wild animals species which occur in the Kingdom of Cambodia.</p> <p>The RGC shall implement the recommendations included in the Resolutions and Decisions of the Conferences of Parties (CoP) to CITES that are consistent with legislation of the Kingdom of Cambodia.</p>
9	The Cambodia CITES Scientific Authorities shall be the only authority to make the detriment determinations of wild animal and plant species under their jurisdiction as required by the CITES Convention and this Sub-decree.

B Law on Fisheries 2006

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
68	<p>Exporting, importing, buying, selling, transporting, processing and stocking of endangered fishery products shall only be authorized for products from aquaculture and/or in compliance with article 64, 65, 66 and 67 of the law on Fisheries and CITES Convention.</p> <p>The endangered fishery products shall be determined by a sub-decree.</p>

3.7 HUNTING OF WILDLIFE

A Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
49	<p>It is strictly prohibited to hunt, harm or harass all wildlife:</p> <ol style="list-style-type: none"> (1) Using all types of dangerous means; (2) Hunting during the prohibited season; and (3) Hunting in protected zones and special public areas. <p>The Forestry Administration, upon the agreement from Ministry of Agriculture, Forestry and Fisheries, has the authority to issue a permit involving rare and endangered species for the following purposes:</p> <ol style="list-style-type: none"> (1) For educational or scientific research; (2) In support of a Captive Breeding Program; (3) To exchange wildlife species pursuant to international cooperation agreements; <p>It shall be prohibited to commit the following activities against rare and endangered wildlife species:</p> <ol style="list-style-type: none"> (1) Harass or harm any such species above or its habitat; (2) Hunt, net, trap or poison; (3) Possess, stock or maintain as a zoo or in a family house; (4) Transport; (5) Trade; and (6) Export-Import. <p>Rules on the activities related to all types of wildlife species shall be determined by Joint-Prakas between the Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment.</p>

B Protected Area Law 2008

AGENCY	Ministry of Environment
ARTICLE NO.	PROVISIONS
41	<p>Each protected area shall be protected against destructive practices or harms caused by illegal land claim, collection, commercialization, pollution in the areas containing valuable biological resource, forest fire, swidden agriculture, transmission of diseases and pests including invasive plants and animals.</p> <p>Prohibited practices considered destructive and harmful include:</p> <ol style="list-style-type: none"> (1) Displacement, removal or destruction of protected area boundary markers or posts. (2) Collection of timber and non-timber products (NTFPs), fishery products and natural resources in a manner violating the recognized and authorized access rights. (3) Felling, pruning, clearing or poisoning plants, or uprooting tree stumps. (4) Catching, hunting, collecting wild eggs, offsprings and birds by all means. (5) Destroying water quality in all forms, poisoning, using chemical substances, disposing of solid and liquid wastes into water or on land, using electric shock equipment. (6) Stocking, buying and selling wild animals and samples of all kinds . (7) Destroying natural grassland, plants and wildlife habitats. (8) Releasing cattle and livestock and walking hunting dogs. (9) Illegal fishing practice harmful to natural resources, both marine and freshwater, flooded forests, mangroves, corals and seaweeds.

B Section continued	
ARTICLE NO.	PROVISIONS
	(10) Establishment of bases for processing Khlem Chan (<i>Aquilaria crassna</i>), Mreah Prov (<i>Ocimum sanctum</i>), Vor Romeat (<i>Teramnus labialis</i>) or other NTFPs and freshwater and marine aquaculture that may cause pollution or destructive effects to the biota and ecosystem.
43	No physical person or legal entity may have authority to issue permission, either directly or indirectly, to fell trees, clear forestlands, poison, electrocution, hunt or trap for any species of animals or to undertake activities to collect NTFPs, wildlife, to take land or components of natural resources into their ownership within a protected area, which contravene the provisions of this Law.
61	Those who shall be punished for natural resources offences of the third grade with evidence being confiscated as State property are any persons who commit the following offences: <ul style="list-style-type: none"> (1) Displace, remove or destroy boundary markers and infrastructure for the management of protected areas (2) Establish bases for processing all kinds of natural resources products and by-products (3) Establishment of bases for processing Klem Chan (<i>Aquilaria crassna</i>), Mreah Prov (<i>Ocimum sanctum</i>), Vor Romeat (<i>Teramnus labialis</i>), and other plants. (4) Cut, prune, strangle, uproot, fell, collect, destroy, encroach and stock rare, vulnerable and critically endangered plants species that are determined by Prakas of the Ministry of Environment. (5) Catch, trap, hunt, cause injury, poison, kill, take out, collect eggs and offsprings from their original habitats of any vulnerable, rare, or critically endangered wildlife species as specified in the Prakas by the Ministry of Environment. (6) Using weapons, explosives, chemical or poisonous substances, any equipment using electricity as a means for trapping animals, and any other types of illegal gears that cause damage to natural resources. (7) Cause obstruction, injury or interference to the Nature Conservation and Protection Administration in performing its functions and duty effectively. (8) Unauthorized use of the uniform, insignia, hierarchical ranking badge of the Nature Conservation and Protection Administration official to commit offences. (9) Falsify legal documents of relevant institutions to commit illegal activities. <p>Destroy boundary markers, bridges, water pipes, roads, buildings, stations, and public infrastructures.</p> <p>(10) Multiple time offenders shall be penalized double the value of transaction fines.</p>

3.8 CAPTIVITY BREEDING

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)

AGENCY Ministry of Agriculture, Forestry and Fisheries

ARTICLE NO. PROVISIONS

49 The Forestry Administration, upon the agreement from Ministry of Agriculture, Forestry and Fisheries, has the authority to issue a permit involving rare and endangered species for the following purposes:

- (1) For educational or scientific research;
- (2) In support of a Captive Breeding Program;
- (3) To exchange wildlife species pursuant to international cooperation agreements;

B Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
15	<p>Individuals or legal entities (organization) that establish a facility for the purposes of captive breeding or artificial propagation of species listed in CITES appendices for export (international trade) purposes shall satisfy the following conditions:</p> <ol style="list-style-type: none"> (1) Establishment of a facility for the purposes of captive breeding, artificial propagation and wildlife farming operations shall be determined by a Prakas issued by the Ministry of Agriculture, Forestry and Fisheries as requested by the Forestry Administration and the Fisheries Administration. (2) The facilities and list of specimens of wild animal and plant species which they possess must be registered with the Forestry Administration or the Fisheries Administration for Fishery Resources. (3) The operations of the facilities shall be under the inspection of officers from the Forestry Administration or the Fisheries Administration for aquatic resources and shall be consistent with the applicable requirements stated in the Prakas. <p>Person who possessed existing facilities prior to this sub-decree coming into force and intend to export, for primarily commercial purposes, specimens of species listed on the CITES Appendices, must be registered with the Forestry Administration or the Fisheries Administration for aquatic resources within a 24 month period from the date of this sub-decree signed.</p>
16	<p>The owner of facilities for captive breeding or artificial propagation must be registered and marked the specimen of species listed on CITES appendices. Facilities intending to export specimens of CITES-listed species that have been bred in captivity or artificially propagated shall satisfy the approval statement issued by Forestry Administration or Fisheries Administration and attach with other additional legal requirements, prior to applying for any CITES documents from CITES Management Authority.</p> <p>The CITES Scientific Authority can issue the certificates of bred in captivity or artificial propagation of wild animal and plant species of CITES Appendices for only the specimen from the registered facilities licensed by a Prakas of the Ministry of Agriculture Forestry and Fisheries.</p>

3.9 ILLEGAL CONSUMPTION AND USE OF PROTECTED WILDLIFE

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
49	<p>It shall be prohibited to commit the following activities against rare and endangered wildlife species:</p> <ol style="list-style-type: none"> (1) Harass or harm any such species above or its habitat; (2) Hunt, net, trap or poison; (3) Possess, stock or maintain as a zoo or in a family house; (4) Transport; (5) Trade; and (6) Export-Import.
98	<p>Any individual who has committed the following forestry offenses shall be punished under class II forestry offenses subject to one (1) to five (5) years in prison and/or court fines of ten (10) million to one hundred (100) million Riel, and confiscation of all evidence as state property:</p>

A Section continued

ARTICLE NO.	PROVISIONS
	<p>(9) Hunt wildlife in closed season or in protected zones;</p> <p>(10) Hunt, kill, trade, or export rare species;</p> <p>(11) Hunt wildlife by dangerous means that harm to animal biology; and</p> <p>(12) Posses, process, stock, transport or import endangered wildlife species or specimens.</p>

3.10 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
25	<p>All activities related to the permanent forest estates and forest products & by-products (Timber Products and Non-Timber Forest Products) throughout the Kingdom of Cambodia shall require the following permits</p> <p>(1) Permit to set annual harvesting quotas for forest products & by-products ;</p> <p>(2) Permit to harvest of forest products & by-products;</p> <p>(3) Permit for transport quotas of forest products & by-products;</p> <p>(4) Permit to transport of forest products & by-products;</p> <p>(5) Permit for use of forests;</p> <p>(6) Prakas to establish a forestry industry, sawmill, or forest products & by-products processing facility;</p> <p>(7) Permit to enter forest for the coupe preparation;</p> <p>(8) Permit to establish a stock place to sell, distribute forest products & by-products;</p> <p>(9) Permit to establish all types of kilns that use forest products & by-products as raw material;</p> <p>(10) Export quota for forest products & by-products;</p> <p>(11) Export and Import Permits for forest products & by-products;</p> <p>(12) Other types of permits that may be required according to provisions of this law.</p> <p>The permits stated above shall be issued to the following:</p> <p>(1) A concessionaire who has received approval of the Annual Operational plan for harvesting forest products & by-products as required by the Forest Concession Agreement;</p> <p>(2) Any individual that has received approval for harvesting forest products & by-products in a production forest not under concession;</p> <p>(3) A community with the rights to harvest forest products & by-products in a community forest that exceed customary user rights defined by rules on community forestry.</p> <p>(4) A person or customer who transports forest products and/or by-products from the forest area where they were harvested to the defined destination;</p> <p>(5) Any other individual, legal entity, community or customers who may be granted rights under provisions of this law</p>
49	<p>(1) It is strictly prohibited to hunt, harm or harass all wildlife:</p> <p>(2) Using all types of dangerous means;</p> <p>(3) Hunting during the prohibited season; and</p> <p>Hunting in protected zones and special public areas.</p> <p>The Forestry Administration, upon the agreement from Ministry of Agriculture, Forestry and Fisheries, has the authority to issue a permit involving rare and endangered species for the following purposes:</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(1) For educational or scientific research;</p> <p>(2) In support of a Captive Breeding Program;</p> <p>(3) To exchange wildlife species pursuant to international cooperation agreements;</p> <p>It shall be prohibited to commit the following activities against rare and endangered wildlife species:</p> <p>(1) Harass or harm any such species above or its habitat;</p> <p>(2) Hunt, net, trap or poison;</p> <p>(3) Possess, stock or maintain as a zoo or in a family house;</p> <p>(4) Transport;</p> <p>(5) Trade; and</p> <p>(6) Export-Import.</p> <p>Rules on the activities related to all types of wildlife species shall be determined by Joint-Prakas between the Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment.</p>
B Law on Fisheries 2006	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
68	<p>Exporting, importing, buying, selling, transporting, processing and stocking of endangered fishery products shall only be authorized for products from aquaculture and/or in compliance with article 64, 65, 66 and 67 of the law on Fisheries and CITES Convention.</p> <p>The endangered fishery products shall be determined by a sub-decree.</p>
92	<p>Shall be subject to a transactional fine by the Fisheries Administration in cash from two to three times on the market price of the obvious evidence while all evidence shall be returned to the owner who has committed one of the following fishery offenses:</p> <p>(1) All types of fishings that may cause obstruction to fish migration route in the Great Lake bottleneck areas;</p> <p>(2) Catching, selling, buying, transporting, collecting processing and stocking all types of endangered natural fishery products;</p> <p>(3) Posting to establish new fishing lots or industrial fishing in the open access areas;</p> <p>(4) Exporting and importing all types of natural fishery products of endangered species;</p> <p>(5) Commercial collection, transportation, and stocking of woods, firewood or charcoals of inundated and mangrove forest species.</p> <p>Whoever committing fishery offense as stipulated in this article from twice onward shall be double fined of this article by the Fisheries Administration and the obvious evidence shall be seized as state property.</p>
93	<p>Shall be subject to a double price transactional fine in cash by the Fisheries Administration on the market price of the obvious evidence while all evidence shall be returned to the owner who has committed one of the following fishery offenses:</p> <p>(1) Stocking fishery products without license over or less than quantity and/or different items defined in the license;</p> <p>(2) Transshipping marine fishery products for exporting purpose without permission;</p> <p>(3) Transportation of fishery products without permission, over quantity, expired date, in wrong place of direction and/or wrong pass way, wrong transportation means defined in license;</p> <p>(4) Transportation of fishery products without payment receipt and/or stocking license or do not deduct the quantity from the stocking license;</p> <p>(5) Import and exports fishery products without license;</p> <p>(6) Import and exports fishery products without quality control certificate in fisheries pathology;</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>(7) Conduct all types of aquaculture contraries to this law, without license, wrong species and/or do not follow the technical regulation;</p> <p>(8) Buying, selling coral or ornamental shells of rare species.</p> <p>Whoever committing fishery offense as stipulated in this article from twice onward shall be fined double cost of this article by the Fishery Administration and the obvious evidence shall be seized as state property.</p>

C Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
10	<p>The export, import, re-export and introduction from the sea of specimens of wild animal and plant species, listed on CITES Appendix I, for primarily commercial purposes, is prohibited. Exceptions to this prohibition shall only be permitted as provided in the Sub-decree.</p> <p>The export, import, re-export and introductions from the sea of specimens of wild animal and plant species, listed on CITES Appendix I, shall meet the following conditions:</p> <p>(1) For not primarily commercial purposes;</p> <p>(2) In compliance with the laws of the Kingdom of Cambodia; and</p> <p>(3) The permit issued by the Cambodia CITES Management Authority is based on the following conditions:</p> <p>A Export:</p> <ul style="list-style-type: none">• The Cambodia CITES Scientific Authority has advised that such export will not be detrimental to the sustainable survival of the species in the wild;• The Cambodia CITES Management Authority accepts the determination of the CITES Management Authority of importing state with the following reasons:<ol style="list-style-type: none">1. The purpose of the import is not for primarily commercial purposes;2. The specimens have been legally obtained in accordance with the laws of the Kingdom of Cambodia; and3. Any living specimens will be so prepared and shipped as to minimize the risk of injury, cruel treatment or damage to health. <p>B Import:</p> <ul style="list-style-type: none">• The Cambodia CITES Scientific Authority has advised that the import will not be detrimental to the sustainable survival of the species in the wild;• The Cambodia CITES Management Authority is satisfied the following reasons:<ol style="list-style-type: none">1. The import of specimens into Kingdom of Cambodia complies with CITES provisions;2. The specimen is not to be used for primarily commercial purposes; and,3. Any living specimens will be so prepared and shipped so as to minimize the risk of injury, cruel treatment or damage to health. <p>C. Re-Export:</p> <p>The Cambodia CITES Management Authority is satisfied the following statement:</p> <ol style="list-style-type: none">1. That the specimens have been legally imported into the Kingdom of Cambodia;2. Any living specimens will be so prepared and shipped as to minimize the risk of injury, cruel treatment or damage to health; and,3. The purpose of the import is not for primarily commercial purposes. <p>D Introduction from the Sea:</p> <ul style="list-style-type: none">• The Cambodia CITES Scientific Authority has advised that such introduction will not be detrimental to the sustainable survival of the species in the wild;• The Cambodia CITES Management Authority is satisfied that:

C Section continued	
ARTICLE NO.	PROVISIONS
	<ol style="list-style-type: none"> 1. Proposed recipient of a living specimen is equipped to house and care for it; and 2. The specimen will not be used for primarily commercial purposes.

3.11 ILLEGAL POSSESSION OF PROTECTED WILDLIFE

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
49	<p>It is strictly prohibited to hunt, harm or harass all wildlife:</p> <ol style="list-style-type: none"> (1) Using all types of dangerous means; (2) Hunting during the prohibited season; and (3) Hunting in protected zones and special public areas. <p>The Forestry Administration, upon the agreement from Ministry of Agriculture, Forestry and Fisheries, has the authority to issue a permit involving rare and endangered species for the following purposes:</p> <ol style="list-style-type: none"> (1) For educational or scientific research; (2) In support of a Captive Breeding Program; (3) To exchange wildlife species pursuant to international cooperation agreements; <p>It shall be prohibited to commit the following activities against rare and endangered wildlife species:</p> <ol style="list-style-type: none"> (1) Harass or harm any such species above or its habitat; (2) Hunt, net, trap or poison; (3) Possess, stock or maintain as a zoo or in a family house; (4) Transport; (5) Trade; and (6) Export-Import. <p>Rules on the activities related to all types of wildlife species shall be determined by Joint-Prakas between the Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment</p>

B Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
26	<p>The Forestry Administration and the Department of Fishery shall define the process for the legal registration of specimens of wild animal and plant species listed on CITES appendices which were possessed by any individual or legal entity in conformance with the following period of times:</p> <ol style="list-style-type: none"> (a) The possession of specimen before 02 October 1997 which is the CITES Convention enters into effect in the Kingdom of Cambodia. (b) The possession of specimen before and after the date of this sub-decree came into force. This legal registration period is 24 months from the date of this sub-decree came into effect.

3.12 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
78	<p>All levels of local authorities, armed forces, custom and excise agents, all airport and port authorities and other concerned authorities shall facilitate and assist in the investigation, prevention and suppression of forest offenses and temporarily safeguard any seized evidence, upon request of competent Forestry Administration officials.</p> <p>If any relevant authority has seen a forest offence he/she:</p> <ol style="list-style-type: none"> (1) Shall immediately inform the nearest office or official of Forestry Administration ; (2) May temporarily detain the offender and evidence until delivery of the case to the Forestry Administration officials qualified as judicial police to proceed with legal action; and (3) Shall have no authority to directly collect fines or confiscate evidence.
90	<p>Punishments for forestry offenses consist of: imprisonment, confiscation of evidence, court fines, transactional fines, repairing damage, warning and revocation or suspension of agreements or permits.</p> <p>Transactional fines for forestry offenses, repairing damage and warnings shall be the responsibility of the Forestry Administration. If the offender refuses to pay the transactional fine or repair damage, then the Forestry Administration may forward the file on the forestry offense to the Court.</p> <p>Any government official who commits a forestry offense shall be subject to administrative punishment in addition to penalties stated in this law.</p>
96	<p>An individual who has committed the following forestry offenses shall be subject to a transactional fine from the Forestry Administration for two (2) to three (3) times the market value of real evidence:</p> <ol style="list-style-type: none"> (1) Fell tree without mark authorizing the felling; (2) Transport Forest Products & By-products without a permit; (3) Stock Forest Products & By-products without a permit; (4) Transport Forest Products & By-products contrary to the destination or exceeding the quantity authorized in the permit; (5) Use an expired transport permit for Forest Products & By-products; (6) Actual specifications of Forest Products & By-products contrary to those described in a transport permit; (7) Stock Forest Products & By-products exceeding the quantity authorized in a permit; (8) Export Forest Products & By-products, forest seed and vegetation species exceeding the amount in the applicable license; (9) Fell, saw, split and chop logs within the Permanent Forest Reserve, or use chain saw as a means to harvest forest products without permit or tag; (10) Harvest Forest Products & By-products during unauthorized hours; (11) Transport Forest Products & By-products that were obtained from felling or harvesting contrary to the provision of this law; (12) Forest Products & By-products for processing obtained from felling or harvesting contrary to the provision of this law; (13) Sell/buy or distribute Forest Products & By-products that were obtained from felling, finding, transporting or processing contrary to the provisions of this law; (14) Forest Products & By-products that were obtained from harvesting, transporting and processing contrary to the provision of this law; (15) Export Forest Products & By-products without a Visa approved by the director of the Forestry Administration;

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(16) Raise or breed any endangered wildlife species;</p> <p>(17) Possess, process, stock, transport or import rare wildlife species or specimens;</p> <p>(18) Raise or breed any rare wildlife species;</p> <p>(19) Transport, trade, stock, process or import common species or specimen without permit;</p> <p>(20) Hunting in public area.</p> <p>Any individual who has violated the provision of the 1st paragraph of this Article multiple times within a month shall be fined two (2) to four (4) times the market value of evidence by the Forestry Administration.</p> <p>All real evidence of forestry offenses shall be confiscated as state property consistent with the provisions of this law. Other evidence of the offenses stated in this article 96, other than Forest Products & By-products, may be returned to the owner.</p>
98	<p>Any individual who has committed the following offenses shall be punished under class II forestry offense subject to one (1) to five (5) years in prison or fine of ten (10) million to one hundred (100) million Riel. All evidence shall be confiscated as state property.</p>

B Law on Fisheries 2006	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
74	<p>Local authorities, armed forces, custom, airport, port authorities, and other concerned authorities shall facilitate and provide forces to investigate, prevent and crack down on fisheries offences or temporarily keep all the evidences of offence in case there is a proposition from the Fisheries Administration Officer.</p> <p>In case of the competent authorities mentioned in the above paragraph have found the actual fishery offences as below, the authorities:</p> <p>(1) Shall immediately report to the nearest competent Fisheries Administration Officer.</p> <p>(2) Shall temporarily detain the suspect and evidences then send immediately to the Fisheries Administration who is habilitated as Judicial Police Officers to execute the law.</p> <p>(3) Could neither directly fine nor seize evidence of the fishery offences</p>
77	<p>The preparation of lawsuit of fishery offence shall comply with the law on Penal procedures (Code of Criminal Procedure 2007).</p> <p>The form of the minute of fishery offence must be determined by a joint proclamation of the Minister of Agriculture, Forestry and Fisheries and Minister of Justice.</p>
78	<p>The fisheries evidence shall be defined as follows:</p> <p>(1) Fishery products and fishing gears or by-products of inundated and mangrove forests that are obvious evidence of fishery offense.</p> <p>(2) Equipments and means used to commit offences.</p> <p>The evidences temporarily seized and detained by the competent Fisheries Administration Officers shall be kept until the case is solved by transactional fine or court judgment. In case that the evidence could not be kept for a long period of time because of decay, evaporation, and loss of quantity and quality, the competent Fisheries Administration officer shall sell that evidence on bail.</p>

3.13 SALE OF CONFISCATED SPECIMENS

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
92	All real evidence of forestry offenses shall be confiscated as state property consistent with the provisions of this law. Other evidence of the offenses stated in this article 96, other than Forest Products & By-products, may be returned to the owner.

B Law on Fisheries 2006

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
77	<p>The preparation of lawsuit of fishery offence shall comply with the law on Penal procedures (Code of Criminal Procedure 2007).</p> <p>The form of the minute of fishery offence must be determined by a joint proclamation of the Minister of Agriculture, Forestry and Fisheries and Minister of Justice.</p>
78	<p>The fisheries evidence shall be defined as follows:</p> <ol style="list-style-type: none">(1) Fishery products and fishing gears or by-products of inundated and mangrove forests that are obvious evidence of fishery offense.(2) Equipments and means used to commit offences. <p>The evidences temporarily seized and detained by the competent Fisheries Administration Officers shall be kept until the case is solved by transactional fine or court judgment. In case that the evidence could not be kept for a long period of time because of decay, evaporation, and loss of quantity and quality, the competent Fisheries Administration officer shall sell that evidence on bail.</p>

C Protected Area Law 2008

AGENCY	Ministry of Environment
ARTICLE NO.	PROVISIONS
45 After a court decision or judgment is made, any confiscated evidence shall be managed in accordance with the procedures of the Nature Conservation and Protection Administration of the Ministry of Environment.

D Criminal Code 2009

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
63	<p>When confiscation becomes final, the items confiscated shall become the property of the State, except as otherwise specified by specific provision.</p> <p>The State may sell or destroy the items confiscated as prescribed in the procedure for selling State property.</p>

3.14 HANDLING PROCEDURE FOR LIVE AND DEAD CONFISCATED SPECIMEN

A *Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)*

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
96	All real evidence of forestry offenses shall be confiscated as state property consistent with the provisions of this law. Other evidence of the offenses stated in this article 96, other than Forest Products & By-products, may be returned to the owner.
99	Any individual who has committed the following offenses shall be punished under class III forestry offense subject to one (1) month to one (1) year in prison or fine of one (1) million to ten (10) million Riel. All evidence shall be confiscated as state property: (4) Harass, harm, or collect egg or offspring of, an endangered or rare wildlife species or destroy its habitat; XXX
104	After court verdicts or court decisions come into effect, confiscated evidence shall be managed by the Forestry Administration according to legal procedures.

B *Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)*

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
22	The Cambodia CITES Management Authority shall offer to return specimens of wild animal and plant species listed in Appendix I of the CITES Convention after have been confiscated and in consultation with the state of export to the exporting country, or release them into their natural habitats or send to any wild animal or plant rescue center with approval from the CITES Management Authority and relevant CITES Scientific Authorities.

C *Law on Fisheries 2006*

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
88	Transactional fine, fine by court judgment or final court judgments or money from the selling of confiscated evidences shall be accounted for national coffer. The government shall decide to incentivize people and officers, who join in the crackdown on disastrous fishery offence.
107	After the court judgment comes into effect, the confiscated evidence shall be destroyed or confiscated as state property following legal procedures by the Fisheries Administration.

3.15 REPATRIATION OF CONFISCATED SPECIMENS

A *Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)*

AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
22	The Cambodia CITES Management Authority shall offer to return specimens of wild animal and plant species listed in Appendix I of the CITES Convention after have been confiscated and in consultation with the state of export to the exporting country, or release them into their natural habitats or send to any wild animal or plant rescue center with approval from the CITES Management Authority and relevant CITES Scientific Authorities.

3.16 DISPOSAL OF CONFISCATED SPECIMENS

A Protected Area Law 2008

AGENCY Ministry of Environment

ARTICLE NO. PROVISIONS

50 Evidence of natural resources offences inside the protected area shall be defined as follows:

- (1) Natural resources products and by-products that are the actual evidence of illegal activities
- (2) Equipment and means of transport used for committing illegal activities

Evidence as stated in the first sentence above shall be temporarily seized until the cases are resolved by the court whether by transaction fines or by the court decision.

During the illegal transportation of natural resources products and by-products the driver of that means of transport without its owner present shall be temporarily detained to assist in the investigation of offenders and their accomplices.

With appropriate recording, the Nature Conservation and Protection Administration has the authority to release or destroy or keep for the public benefit the natural resources products and by-products seized which are easily spoilt.

3.17 COMPENSATION FOR VICTIMS/ REHABILITATION/ COSTS OF REPATRIATION OF SEIZED WILDLIFE

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)

AGENCY Ministry of Agriculture, Forestry and Fisheries

ARTICLE NO. PROVISIONS

94 Any individual who has committed a forestry offense harming the forest ecosystem shall be liable for payment in order to restore or repair the forest ecosystem to its original condition.

B Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)

AGENCY Ministry of Agriculture, Forestry and Fisheries

ARTICLE NO. PROVISIONS

23 Individuals and organizations acting in violation of this Sub-decree, shall be subject to legal penalties as outlined in the Forestry Law and other relevant laws in the Kingdom of Cambodia.

The offender shall responsible for any expenses for the transport of evidence, or its return to the country of export, its release into its natural habitat, its transport to a wild animal or plant rescue center, and other expenses related to the process of law enforcement.

3.18 REWARD FOR INFORMANTS

A Protected Area Law 2008

AGENCY Ministry of Environment

ARTICLE NO. PROVISIONS

55 The fines imposed by court decision or revenue from selling of evidence shall go to the national budget.

The Royal Government may decide to pay reward to citizens or officers who had been actively participating in controlling natural resource offences within a particular protected area.

B Law on Forestry (NS/RKM/0802/016)(31/08/2002)

AGENCY Ministry of Forestry and Fisheries

ARTICLE NO. PROVISIONS

92 Transactional fines, fines imposed by court order or proceeds from selling evidence shall be paid to National budget. The Royal Government may decide to award incentives for people and officers who have participated in suppression of specific forest offenses.

C Law on Fisheries 2006	
AGENCY	Ministry of Forestry and Fisheries
ARTICLE NO.	PROVISIONS
88	<p>Transactional fine, fine by court judgment or final court judgments or money from the selling of confiscated evidences shall be accounted for national coffer.</p> <p>The government shall decide to incentivize people and officers, who join in the crack down on disastrous fishery offence</p>

3.19 ENFORCEMENT POWERS – ENTRY, SEARCH, SEIZURE, ARREST

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)	
AGENCY	Ministry of Forestry and Fisheries
ARTICLE NO.	PROVISIONS
79	<p>To exercise their duties, the Forestry Administration officials qualified as judicial police have the following rights:</p> <ol style="list-style-type: none"> (1) To require certain individuals to respond to their questions and provide information related to the forest offenses; (2) Monitor or check everywhere, including airports, seaports, river-ports, dry-port, territorial borders, bus stations, train stations in the case of an actual forestry offense in cooperation with concerned authority; and (3) Temporarily revoke license or permit as prescribed under this law, if the license or permit holder violates this law. <p>In the case of an actual forestry offense, the Forestry Administration officials qualified as judicial police shall have the rights to search the surrounding and inside of a buildings or residence consistent with Law on Criminal Procedures. The search shall be carried out in the presence of the suspect and two (2) witnesses, who are neighbors or owners of the building or residence.</p>
80	<p>In case of an actual offense, the Forestry Administration officials qualified as judicial police shall have the authority to temporarily seize:</p> <ol style="list-style-type: none"> (1) Forest Products & By-products that are in violation of the provisions of this law; (2) Animals in the process of destroying tree crops; (3) Machinery, vehicles, equipment, and animals used as means to conduct forest and wildlife offenses. <p>The Forestry Administration Officials qualified as judicial police shall have the rights to detain, up to 48 hours, a forestry offender in order to file documents on the case and send it to the court.</p> <p>The evidences of forestry offenses shall be determined as follow:</p> <ol style="list-style-type: none"> (1) Forest Products & By-products or Wildlife products, which constitute real evidence of the offense, and (2) Materials, equipment, and transportation means used to commit the forest offense.
82	<p>The evidences stated in paragraph 1 above shall be temporarily seized until the offense has been resolved, whether by paying a transactional fine or a final decision of the Court. During transportation of Forest Products & By-products, the driver who is not accompanied by the owner of the Forest Products & By-products shall be temporarily seized for the investigation of offenders and other people involved.</p> <p>The Division level of the Forestry Administration shall have the rights to release, destroy or maintain for pubic benefits, seized wildlife products and specimens that are easily perishable, and file correct minutes of that case.</p>

B Law on Fisheries 2006	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
74	<p>To exercise their duties, the Forestry Administration officials qualified as judicial police have the following rights:</p> <ol style="list-style-type: none"> (1) To require certain individuals to respond to their questions and provide information related to the forest offenses; (2) Monitor or check everywhere, including airports, seaports, river-ports, dry-port, territorial borders, bus stations, train stations in the case of an actual forestry offense in cooperation with concerned authority; and (3) Temporarily revoke license or permit as prescribed under this law, if the license or permit holder violates this law. <p>In the case of an actual forestry offense, the Forestry Administration officials qualified as judicial police shall have the rights to search the surrounding and inside of a buildings or residence consistent with Law on Criminal Procedures. The search shall be carried out in the presence of the suspect and two (2) witnesses, who are neighbors or owners of the building or residence.</p>
75	<p>While carrying out their duties, the competent Fisheries Administration officers shall have the rights to:</p> <ol style="list-style-type: none"> (1) Inspect all kinds of fishery exploitations and aquacultures or maricultures. (2) Inspect the transportation, fish landing, locations for processing and stocking or locations for buying, selling fishery products. (3) Stop and check all means of transport suspected of having loaded evidences of fishery offences. (4) Enter and check all places including airports, marine ports, river ports, dry ports, fish landings, border gates, bus stations and railway stations in cooperation with concerned authorities incase of flagrant delicto. (5) Inquire people about information that involved fishery offences. (6) Temporarily seize, as stated by the law, all kinds of licenses, in case of the person possessing the licenses commits fishery offences. <p>The Fisheries Administration Officials habilitated as Judicial Police Officers shall have the rights to:</p> <ol style="list-style-type: none"> (1) Release or keep as public property of or destroy illegal fishery products detained and sell the fast damaged prone evidences with the participation as witness from local authorities or other competent people at the place and record with accurate minutes. (2) Destroy with accurate minutes of fishery evidences including prohibited fishing gears and fishing gears or illegal fishing equipments or charcoal kilns of inundated and mangrove forests. (3) In case of obvious fishery offences, check in the surrounding and inside of a building or residence in accordance with law on Penal Procedures in force.

3.20 ESTABLISHMENT OF CONSERVATION FUND WHERE PROCEEDS FROM SEIZED ASSETS OF WILDLIFE OFFENCES GO TO A DEDICATED FUND, WHICH CAN BE USED BY ENFORCEMENT AGENCIES OF WENS

A Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (29/05/2006)	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
23	<p>Individuals and organizations acting in violation of this Sub-decree, shall be subject to legal penalties as outlined in the Forestry Law and other relevant laws in the Kingdom of Cambodia. The offender shall responsible for any expenses for the transport of evidence, or its return to the country of export, its release into its natural habitat, its transport to a wild animal or plant rescue center, and other expenses related to the process of law enforcement.</p>

B Law on Forestry 2002	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
51	<p>The Forestry Administration shall collect the following Wildlife Conservation Fee and Wildlife Royalty:</p> <p>(1) A Wildlife Conservation Fee shall be paid to the Forest Development Fund; and</p> <p>(2) A Wildlife Royalty shall be paid to the National Budget.</p> <p>The amount of a Wildlife Conservation Fee and Wildlife Royalty shall be determined by Joint-Prakas between the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy and Finance.</p>
C Law on Fisheries 2006	
AGENCY	Ministry of Agriculture, Forestry and Fisheries
ARTICLE NO.	PROVISIONS
88	<p>Transactional fine, fine by court judgment or final court judgments or money from the selling of confiscated evidences shall be accounted for national coffer.</p> <p>The government shall decide to incentivize people and officers, who join in the crack down on disastrous fishery offence</p>
90	<p>Any person committing fishery offense leading to damage of fishery eco-system in the fishery domain must pay the cost of destruction and restoration to its original condition.</p>
D Protected Area Law 2008	
AGENCY	Ministry of Environment
ARTICLE NO.	PROVISIONS
32	<p>The Government shall establish a fund called “protected areas fund” which is organized, managed and given responsibility by a protected area committee with Minister of Environment and Minister of Economy and Finance as co-chairmen.</p>
33	<p>The establishment and functioning of the committee shall be determined by a Sub-decree. Funding support for rehabilitation, improvement of protected areas and biodiversity shall come from:</p> <p>(1) National budget</p> <p>(2) Protected area entrance and other service fees</p> <p>(3) Environmental endowment insurance</p> <p>(4) Donations</p> <p>(5) Assistance from national and international organizations and friendly countries</p> <p>(6) Assistance from international environment funds</p>
34	<p>Budget and funds from sources as stated in article 33 of this law may be used to support the following activities within the protected areas:</p> <ul style="list-style-type: none"> • The protection and conservation of biological resources and ecosystems; • Rehabilitation and enhancement of biodiversity and ecosystems; • Technical and scientific research study on the biological diversity and ecosystem; • Maintenance and extension of eco-tourism services • Training, human resource development and capacity building of the Nature Conservation and Protection Administration staff for effective protection and conservation of biodiversity and ecosystems; • Programmes supporting the establishment of community protected area; • Dissemination and education on protected area; and • Construction, rehabilitation and maintenance of infrastructure.

3.21 ANIMAL WELFARE

A Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)

AGENCY Ministry of Agriculture, Forestry and Fisheries

ARTICLE NO. PROVISIONS

49 It is strictly prohibited to hunt, harm or harass all wildlife:

(1) Using all types of dangerous means;

It shall be prohibited to commit the following activities against rare and endangered wildlife species:

(1) Harass or harm any such species above or its habitat;

(2) Hunt, net, trap or poison;

99 Any individual who has committed the following offenses shall be punished under class III forestry offense subject to one (1) month to one (1) year in prison or fine of one (1) million to ten (10) million Riel. All evidence shall be confiscated as state property:

(4) Harass, harm, or collect egg or offspring of, an endangered or rare wildlife species or destroy its habitat;

4 KEY PROVISIONS OF OTHER LAWS

4.1 PENAL CODE	
A <i>Criminal Code 2009</i>	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
605	<p>It is punishable by an imprisonment from 5 (five) years to 10 (ten) years for an unauthorised person who directly or indirectly delivers present or gift, makes promise or give interests to a civil servant or a citizen entrusted with public mandates through an election so that the latter:</p> <ol style="list-style-type: none"> (1) perform any act of his/her functions or facilitate anything using his/her functions; (2) not perform any act of his/her functions or facilitate anything using his/her functions;
626	<p>A forgery is an intentional act to harm facts expressed through letters or other means of expression of opinion, if all the following conditions are fulfilled:</p> <ol style="list-style-type: none"> (1) the harm has subject or may have power as evidence of a right or an act which has judicial consequence; (2) the harm may cause a damage.
627	A forgery is punishable by an imprisonment from 1 (one) year to 3 (three) years and a fine from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels.
628	The use of forged documents is punishable by an imprisonment from 1 (one) year to 3 (three) years and a fine from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels.
629	The use of forged documents is punishable by an imprisonment from 1 (one) year to 3 (three) years and a fine from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels.
630	The use of forged public documents as defined in Article 629 (Forgery of Public Documents) is punishable by an imprisonment from 2 (two) years to 5 (five) years and a fine from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels.
632	An act of fraudulently requesting a public administration to deliver a document to confirm a right, an identity or a status, or to grant an authorization is punishable by an imprisonment from 1 (one) year to 2 (two) years and a fine from 2,000,000 (two million) Riels to 4,000,000 (four million) Riels.
635	Any act of falsifying or forging an attestation or a certificate is punishable by an imprisonment from 1 (one) month to 1 (one) year and a fine from 100,000 (one hundred thousand) Riels to 2,000,000 (two million) Riels.
637	It is punishable by an imprisonment from 2 (two) years to 5 (five) years and a fine from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels for any act committed during the pursuance of one's profession to solicit or accept any donation, gift, present, promise or any interest in order to issue an attestation or a certificate describing a state of affairs which is actually not true.
638	It is punishable by an imprisonment from 1 (one) year to 3 (three) years and a fine from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels for any act of giving any donation, gift, present, promise or any interest to any person to issue an attestation or a certificate describing a state of affairs which is actually not true.
642	The attempt to commit misdemeanours specified in Article 633 (Fraudulent Request for Documents), Article 638 (Briberies Given to an Authorized Person to Issue Forged Document) and Article 640 (Briberies Given to a Member of a Health Organization to Issue a Forged Certificate) is punishable by the same penalties as misdemeanours.

4.2 ANTI-MONEY LAUNDERING

A *Anti-Money Laundering and Combating financing of Terrorism Law 2007*

AGENCY	Ministry of Economics and Finance
ARTICLE NO.	PROVISIONS
3	<p>a. "Money laundering" shall mean:</p> <p>(i) The conversion or transfer of property, knowing that such property is the proceeds of offence, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the offence to evade the legal consequences of his or her action;</p> <p>(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of offence;</p> <p>(iii) The acquisition, possession or use of property, knowing that such property is the proceeds of offence;</p> <p>(iv) Participation in, and attempts to commit, aiding and forcing somebody to commit any of the acts defined in accordance with Article 3 of the present Law. "Predicate offense" means any felony or misdemeanor, even if committed abroad, as a result of which proceeds have been generated that may become the subject of money laundering as defined above under Article 3 (a) of the present Law;</p> <p>e. In order to be used as a basis for proceedings in respect of money laundering, a predicate offense committed abroad must have the nature of offense in the country where it was committed and under the laws of Cambodia, unless there is special agreement stated otherwise.</p>
30	<p>Freezing and confiscation of property</p> <p>In case of a proceeding on the violation of money laundering or financing terrorism as stipulated in the existing Penal Code all relating or suspicious to be related property may be frozen or restrained from transferring until the court decision becomes definitive.</p> <p>In case where the court has decided to penalize the offence of money laundering or financing terrorism, the property shall be confiscated as state property.</p>

B *Criminal Code 2009*

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
404	<p>Money laundering is an act of providing, by any means, the false justifications to conceal the direct or indirect benefits of a felony or a misdemeanour.</p> <p>The act of lending support to further its operational transaction for investing, concealing or converting the direct or indirect benefits of a felony or a misdemeanour is also considered as money laundering.</p>
405	<p>Money laundering is punishable by an imprisonment from 2 (two) years to 5 (five) years and a fine from 4,000,000 (four million) Riels up to the value of funds, assets and properties which were the subject of money laundering.</p> <p>In the event that the offences that were the source of assets or funds, and they were the subject of money laundering, which is punishable to an imprisonment which is longer than the imprisonment term mentioned in paragraph 1 above, the imprisonment sentence shall be the same as the offence to the knowledge of the perpetrator and if the offence has several aggravating circumstances then the perpetrator shall be punished according to the circumstances he/she is aware of only.</p>
406	<p>Money laundering is punishable by an imprisonment from 2 (two) years to 5 (five) years, when it is committed:</p> <ol style="list-style-type: none"> (1) by a habitual manner; (2) by utilizing facilitation made available through the pursuance of a profession; (3) by an organized group.

4.3 CUSTOMS

A Customs Law 2007

AGENCY	Department of Customs and Excise
ARTICLE NO.	PROVISIONS
73	<p>Any person who imports or exports goods, or attempts to import or export goods, in contravention of the Law or regulations shall be considered as committing a customs offence.</p> <p>Any person who commits a customs offence may be punished by administrative fines imposed by Customs, and by judicial penalties imposed by the competent Court, or both.</p> <p>Any person who commits minor violations of regulations and provisions of this law, including inaccuracies, omissions or failure to complete any information required in a customs declaration and failure to meet requirements and obligations that have no impact on duties, taxes, prohibitions, or restrictions is subject to administrative fines of one hundred thousand (100,000) riels to five hundred thousand (500,000) riels when the irregularity is not more severely punished by this Law.</p>
74	<p>Any person who commits violations of regulations and provisions of this law, including those violations contained in Article 73 of this law that that involve the evasion of duty or taxes and where the goods are not prohibited or restricted, is subject to administrative fines of between one (1) time to three (3) times the duty and tax evaded, and to a judicial penalty of confiscation of the goods and of the conveyance and other things used to conceal smuggled goods, or imprisonment for one (1) month to one (1) year, or to one of the above.</p> <p>Considered as offences referred in the first paragraph of this Article are:</p> <ol style="list-style-type: none">Failure to report goods to customs in accordance with Article 10 and Article 16 of this Law;Unloading of goods from a conveyance before reporting to customs in accordance with the provisions of Article 12 of this Law;Opening, unpacking, causing to be opened or unpacked, any package of imported goods that has not been released by customs, breaking or tampering with any seals that have been placed on goods, conveyances, customs temporary storage facilities, customs bonded warehouses, or other places as required by this Law;Removal of goods from a customs clearance area, a customs temporary storage facility, or a customs bonded warehouse without the authorization of Customs;Failure to submit a customs declaration in accordance with the provisions of Article 29 of this Law;Failure to comply with the provisions of Article 30 of this Law;The sale, transfer, diversion or disposal of goods imported exempt from duty and taxes under Article 26 and Article 27 of this Law without authorization by customs.Failure to comply with conditions imposed by Customs regarding goods entered under a duty or tax suspensive regime under the provisions of this Law.Making, assenting to, or participating in a verbal declaration or written statement which is inaccurate, false, or deceptive is a violation of this Law;Smuggling or attempting to smuggle;Possession, sale, purchase, transfer or otherwise acquiring of any goods that were imported in violation of this Law.

4.4 ANTI-CORRUPTION

A Criminal Code 2009

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
278	The acts committed by an employee to solicit or accept a gift, a present, a promise or any benefit to perform or not perform his/her duty without the knowledge of the employer and without his/her consent, is punishable for an imprisonment of between 6 (six) months and 2 (two) years and a fine of between 1,000,000 (one million) Riels and 4,000,000 (four million) Riels.
280	<ol style="list-style-type: none">(1) if a person specified in Paragraphs 1 and 2 of Article 393 (Breach of Special Trust by A Governor or another Person) or an inspector received profits as properties or demanded or is promised to receive benefits from illegal assistance, he/she is punished to imprisonment of between 5 (five) and 10 (ten) years;(2) provisions of Paragraph 1 above is also applicable with the person who provides benefits specified in Paragraph 1 above or requests to provide or promise to provide the benefits;(3) benefits as properties specified in Paragraph 1 above will be confiscated. If they cannot be confiscated in whole or in any part, the missing parts are to be paid in monetary amount.

B Anti-Corruption Law 2010

AGENCY	Ministry of Economics and Finance
ARTICLE NO.	PROVISIONS
21	Procedure for implementing corruption offences which is stated in the penal code and corruption offences which is stated in this law, shall be implemented as stated in the penal procedure code if there is no separate procedure in this law.
32	In addition to the offenses stipulated in this law, the offenses in article 278 (bribe taking by employees), article 279 (bribe offered to employees), article 280 (bribe taking by governor), article 283 (Criminal responsibility by legal entity), article 387 (improper bidding), article 404 (definition of money laundering), article 405 (sentence to be served), article 406 (aggravating circumstance), article 409 (Criminal responsibility by legal entity), article 517 (bribe taking by judges), article 518 (bribe offered to judges), article 519 (Criminal responsibility by legal entity), article 547 (bribe taking by witnesses for false testimony), article 548 (bribe offered to witnesses), article 553 (bribe taking by interpreter), article 554 (bribe offered to interpreter), article 555 (bribe taking by experts), article 556 (bribe offered to experts), article 559 (criminal responsibility by legal entity), article 592 (definition of misappropriation), article 593 (sentence to be served), article 594 (bribe taking), article 595 (definition of passive business influence), article 596 (sentence to be served), article 597 (definition of embezzlement), article 598 (sentence to be served), article 599 (definition of favoritism), article 600 (sentence to be served), article 601 (intentional destruction and dishonest embezzlement), article 605 (bribe offering), article 606 (active business influence), article 607 (extortion), article 608 (destruction and embezzlement), article 625 (criminal responsibility by legal entity), article 637 (bribe offered to person who has competence to issue false certificate), article 638 (bribe offered to person who has competence to issue false certificate), article 639 (bribe taking by member of professional board of medicine to issue false certificate), article 640 (bribe offered to member of professional board of medicine to issue false certificate), article 641 (execution of misdemeanor of articles 639 and 640 for all medical professions), article 644 (criminal responsibility by legal entity), of the Criminal Code are corruption offenses to be implemented as part of this law.
34	<p>Any person shall be sentenced from five (5) to ten (10) years if he/she unrightfully, directly or indirectly, offers gift or donation or promise or any benefit to foreign public officials or officials of public international organization, in order that the officials:</p> <ol style="list-style-type: none">(1) Either perform his/her duty or any act facilitate any process during the exercise of his or her function; Or(2) Refrain from performing his or her duty or any act facilitate any process during the exercise of his or her function.

4.5 MUTUAL LEGAL ASSISTANCE TO RECOVER PROCEEDS OF CRIME

A *Anti-Corruption Law 2010*

AGENCY	Ministry of Economics and Finance
ARTICLE NO.	PROVISIONS
51	<p>In the case of corruption offences, the court authority of the Kingdom of Cambodia may delegate power to competent court authority of any foreign state and may also obtain power from court authority of any foreign state, in order to:</p> <ol style="list-style-type: none"> (1) Collect evidence/proof or answer/response through court means. (2) Inform about documents of the court. (3) Search, arrest and confiscate. (4) Examine objects and crime scene. (5) Provide information and exhibit. (6) Issue original process-verbal or its authentic copies and dossier, including bank statement, accounting transactions, records of concerned institution, records of concerned company and trade records, as well as authentic and private documents; (7) Identify or provide expert witnesses and others, including detainees who agree to assist in the investigation or participate in the legal proceedings. (8) Identify or seek resources, property, equipment, and materials that derive from offence and offence means. (9) Place under temporary holding the products and properties obtained from corruption offences as well as equipment, materials being used or kept for committing offences. (10) Enforce the decision of confiscation, seizure or repatriation of products, properties, equipment, material derived from offence. (11) Order to confiscate all objects as stated above. (12) Inform about the charge based on criminal procedure. (13) Interrogate the accused based on criminal procedure. (14) Find out and identify witnesses and suspects.
52	<p>Anti-Corruption Institution and competent authorities concerned have obligation to seek international cooperation and mutual legal assistance in terms of the property's status of Cambodians holding more than one nationality.</p>
53	<p>Procedures for Implementing mutual legal assistance shall be in agreement with the principles stated in treaties or bilateral and multi-lateral agreement, and national law in force.</p>

5 PENALTIES

5.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME					
Law and relevant provisions	Section/ Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Law on Forestry 2002 (NS/RKM/0802/016)(31/08/2002)	93 (1)	n.a.	n.a.	5	10
	93 (2)	10 million Riels	100 million Riels	1	5
	93 (3)	10 million Riels	10 million Riels	1 month	1
Law on Fisheries 2006	89 (1)	n.a.	n.a.	3	5
	89 (2)	5 million Riels	50 million Riels	1	3
	89 (3)	1 million Riels	5 million Riels	1 month	1
Protected Area Law 2008	56 (2)	1.5 million Riels	15 million Riels	1 month	1
	56 (3)	15 million Riels	150 million Riels	1	5
	56 (4)	15 million Riels (individual) 150 million Riels (legal entity)	150 million Riels (individual) 250 million Riels (legal entity)	5	10

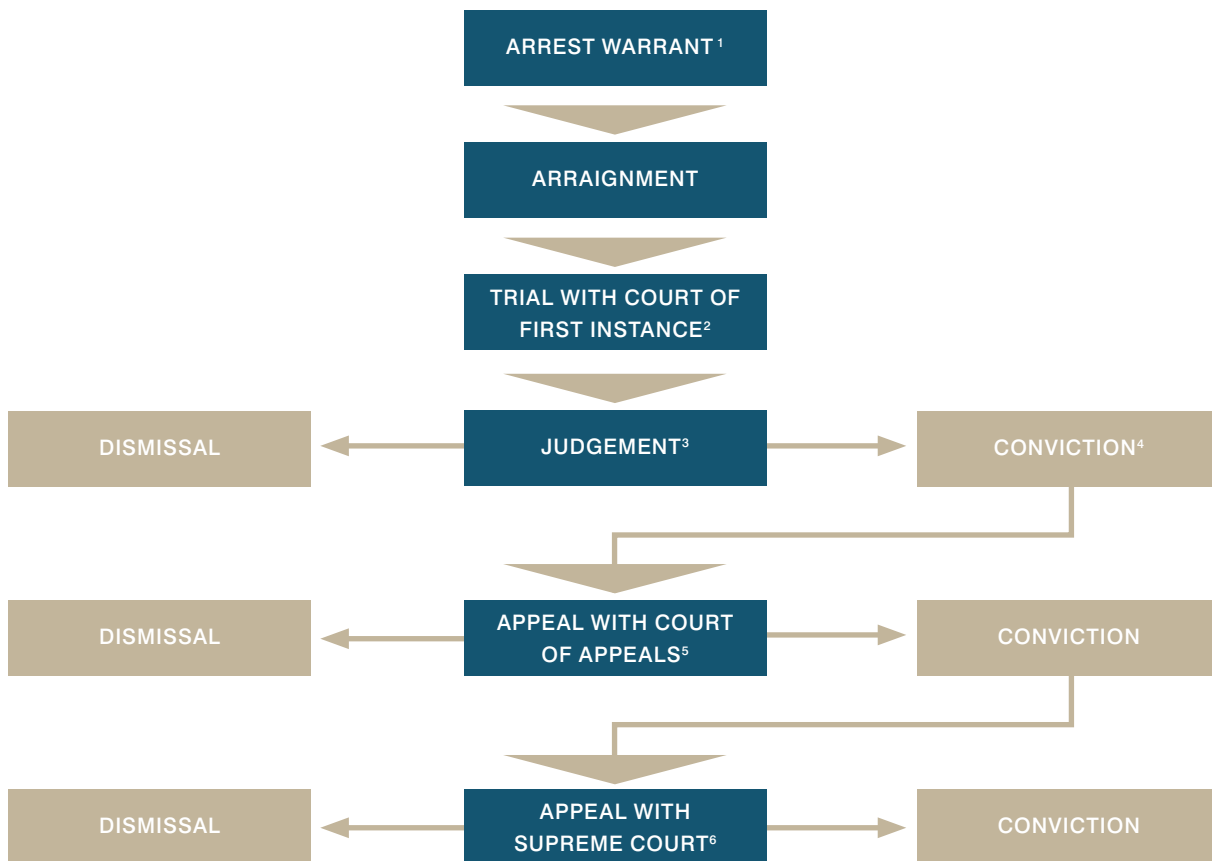
* In local currency Cambodian Riels

** In years unless otherwise stated.

5.2 PENALTIES UNDER OTHER NATIONAL LAWS					
Law and relevant provisions	Section/ Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Criminal Code 2009	278	1 million Riels	4 million Riels	6 months	2
	405	4 million Riels	Unlimited	2	5
	406	n.a.	n.a.	2	5
	605	n.a.	n.a.	5	10
	627	2 million Riels	6 million Riels	1	3
	628	2 million Riels	6 million Riels	1	3
	629	2 million Riels	6 million Riels	1	3
	630	4 million Riels	10 million Riels	2	5
	632	2 million Riels	4 million Riels	1	2
	635	100,000 Riels	2 million Riels	1 month	1
	637	4 million Riels	10 million Riels	2	5
	638	2 million Riels	6 million Riels	1	3
	Anti- Corruption Law 2010	34	n.a.	n.a.	5
Customs Law 2003	73	100,000 Riels	500,000 Riels	n.a.	n.a.
	74	n.a.	n.a.	1 month	1 year

6 ANNEXES

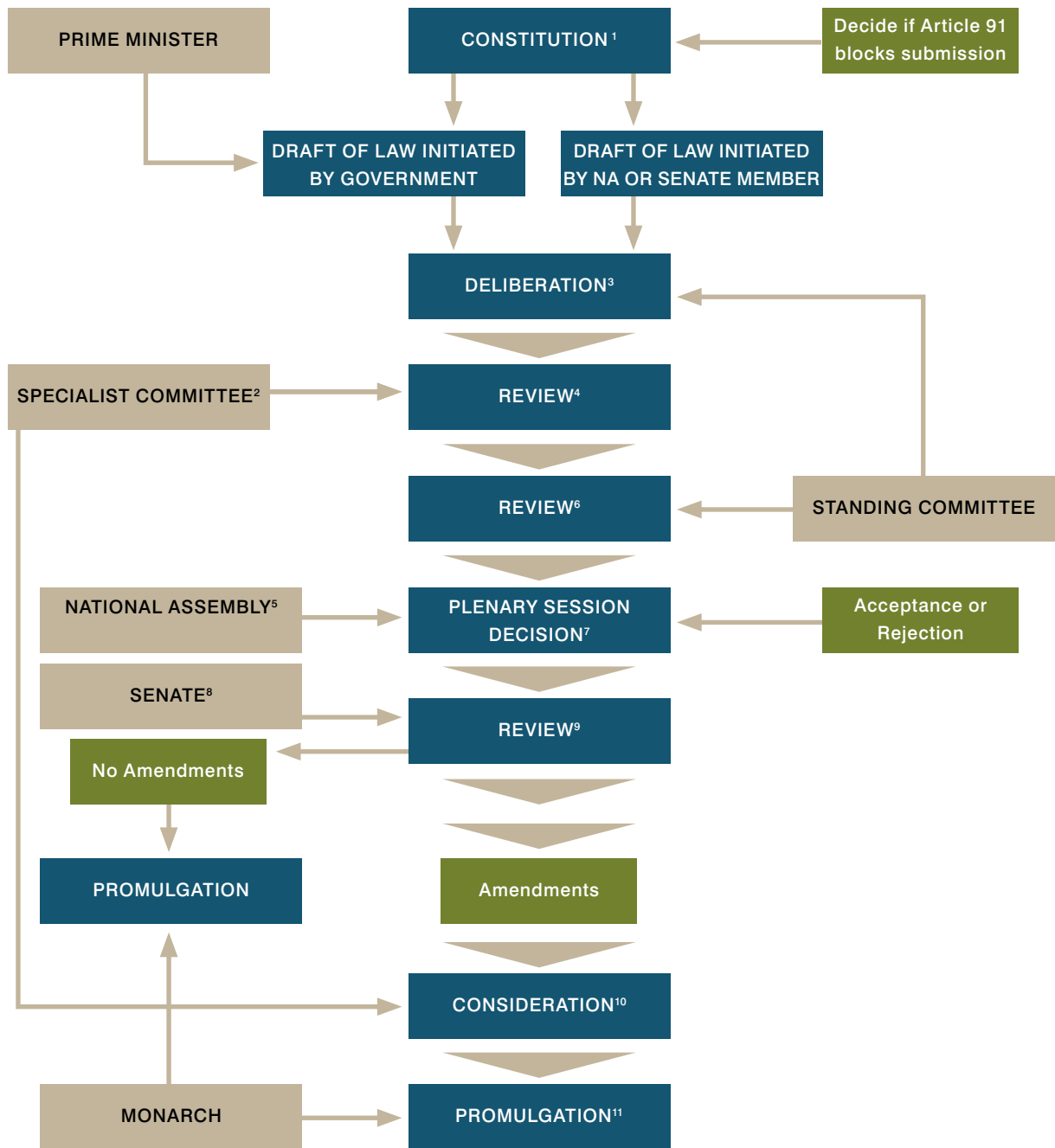
A OVERVIEW OF LEGAL PROCESS AND PROCEDURE FOR PROSECUTION AND SENTENCING OF WILDLIFE CRIMES, KINGDOM OF CAMBODIA



Notes:

- 1 Article 195 of the Criminal Procedure Code states that Arrest Warrants are issued by the Investigating Judge. Article 200 states that in urgent cases, an arrest warrant may be disseminated internationally through the Ministry of Justice using any effective mechanism.
- 2 Trial hearings shall be conducted in public in line with Article 316 of the Criminal Procedure Code. The same article states partial or in-camera hearings are permitted if there is a significant danger to public order. This decision is not subject to appeal.
- 3 Article 317 of the Criminal Procedure Code states that all judgements shall be made in public sessions.
- 4 Article 355 of the Criminal Procedure Code states that on conviction, civil remedies can also be made
- 5 Article 375 states an appeal may be filed by the Royal Prosecutor, the General Prosecutor attached to Court of Appeal, the Convicted person or Civil Party.
- 6 Article 419 states the Supreme Court may grant a request for cassation:
 - For illegal composition of the trial panel;
 - For lack of jurisdiction of the court;
 - For abuse of power;
 - For breaching the law or for misapplication of the law;
 - For violations or failure to comply with procedure causing nullity;
 - For failure to decide on a request made by the Prosecutor or a party given it was unambiguous and made in writing;
 - For manipulation of facts;
 - For lack of reasons;
 - For contradiction between holding and ruling

B OVERVIEW OF LEGISLATIVE PROCESS OF CAMBODIA¹²



Footnotes:

- 1 Article 91 forbids proposing laws which will increase burden on the population
- 2 Composed of members with expertise in particular policy subjects
- 3 Refers proposed law to appropriate Specialist Committee
- 4 Specialist Committee will meet those who drew up initial proposal
- 5 123 elected members and a Standing Committee with overall directive role
- 6 Decide whether to include draft in Plenary Session
- 7 National Assembly votes on whether to adopt or reject the draft
- 8 Made up of 61 appointed members
- 9 Senate reviews and decides whether to approve original draft
- 10 National Assembly must decide whether to accept Senate's proposed Amendments. If it does not the cycle repeats itself after a month
- 11 Monarch signs a Royal Decree to make the draft into law
- 12 SHERLOCK S (2015), *One ASEAN: Many Systems. Legislative Procedures of AIPA Member Parliaments*. ISBN 978-602-72633-1-4
The flowchart for the legislative process was created based on the information provided in this document.

C LIST OF NATIONAL LAWS

1. Anti-Corruption Law (NS/RKM/0410/004) (17/04/2010)
2. Anti-Money Laundering and Combating the Financing of Terrorism Law (NS/RKM/0607/014) (24/06/2007)
3. Criminal Code 2009
4. Criminal Procedure Code of the Kingdom of Cambodia (2007)
5. Customs Law (S/RKM/0707/017) (20/07/2007), as amended by Law on Amendment to the Law on Anti-Corruption (NS/RKM/0811/017) 01/08/2011)
6. Environmental Protection and Natural Resources Management Law (24/12/1996)
7. Law on Enactment Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (NS/RKM/0112/002) (02/01/2012)
8. Law on Forestry (NS/RKM/0802/016) (16/12/2003)
9. Law on Fisheries (2006)
10. Protection of Cultural Heritage Law (NS/RKM/0196/26) (1995) (25/01/1996)
11. Prohibition of Chemical Weapon, Bio-weapon and Nuclear Law (2009) (03/03/2010)
12. Protected Area Law, January 2008
13. Prakas no. Uath.brk 868 Inter-ministerial Prakas on the implementation and institutional Arrangements of Food Safety based on the Farm to Table Approach (22/10/2010)
14. Sub-Decree on Phytosanitary inspection, 13 March 2003
15. Sub-Decree on International Trade in Endangered animal and plant species (No. 53ANK.BK) (29/05/2006)



NATIONAL LAWS INDONESIA



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1 EXECUTIVE SUMMARY

WILDLIFE LAWS

Indonesia has been a member of CITES since 1979 and its wildlife legislation has qualified it as a Category One country under CITES¹.

There are a number of legislation that are relevant to the investigation and prosecution of wildlife crimes:

1. Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem
2. Act No. 41 /1999 on Forestry
3. Government Regulation No. 7 / 1999 on Preservation of Plants and Animals Species
4. Government Regulation No. 8 / 1999 on The Utilization of Wild Plants and Animals Species
5. Ministry of Forestry Decree No. 447/Kpts-II/2003, Administration Directive for the Harvest or Capture and Distribution of Specimen of Wild Plant and Animal

Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem provides the legal framework for criminalization of illegal trade in protected plant and animal species. The list of protected species is set out in Government Regulation No. 7 / 1999 on Preservation of Plants and Animals Species. One of the major drawbacks of these laws is that the list of protected species is outdated and has not been revised since 1999. Further, non-native species are not covered as protected species in the list. The impact is that the penal provisions afforded to protected species under Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem are not available for non-native species². This means wildlife crimes involving non-native species would incur lower penalties. It is encouraging that the Indonesian government recognizes the inadequacy and is in the process of amending and updating Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem and Government Regulation No. 7 / 1999 on Preservation of Plants and Animals Species. Notwithstanding the above, it is accurate to state that the legal framework does adequately deal with wildlife crimes relating to native species. Hence, enforcement effort is key.

PENALTIES UNDER WILDLIFE LAWS

Under Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem, the maximum imprisonment term for wildlife trafficking specifically against protected species is 5 years³, which meets the threshold under the UNTOC to qualify as a serious crime⁴. This is important in the context of combating the transnational nature of wildlife trafficking. Further, Article 78, Act No. 41/ 1999 on Forestry has prescribed a maximum of 10 years for some forest-related crimes and the maximum fine for such crimes can be as high as IDR 5 billion (approximately USD360,000).

INTERNATIONAL COOPERATION AND OTHER LAWS

It is noteworthy that Indonesia has ratified/acceded to the relevant international treaties⁵. Relevant laws have been passed, amended or were already in existence to comply with and complement the respective treaties. Notwithstanding that Indonesia is not a party to some of the listed conventions, it has laws on the relevant topics.

Indonesia has robust laws and penalties on anti-money laundering activities and wildlife trafficking is a predicate crime under such laws⁶. The maximum imprisonment term is 20 years and the fines are substantial, exceeding even those of anti-corruption laws in Indonesia. With organized syndicates increasing involvement in wildlife trafficking, Indonesia shall definitely benefit from inter-agencies and regional cooperation in the fight against transnational and organized wildlife crime.

1 Category One where its legislation is believed generally to meet all four requirements for effective implementation of CITES; Category Two where its legislation is believed generally to meet one to three of the four requirements for effective implementation of CITES; and category three where its legislation is believed generally to not meet any of the four requirements for effective implementation of CITES.

2 At the time of writing, the Indonesia government is in the process of amending and updating Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem and Government Regulation No. 7 / 1999 on Preservation of Plants and Animals Species.

3 Article 40(2), Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem. Please note under Article 40 (1) of the above law, the maximum imprisonment term is 10 years for violation of Articles 19(sanctuary reserve) and 33(National Park Core Zone). Note also Articles 10-15 years under Article 78, Act No. 41/ 1999 on Forestry on forest-related crimes.

4 In accordance with Article 2 of the UNTOC.

5 See section 2 on International convention, treaties and agreements: relevant laws

6 Act. No. 8 / 2010 on Prevention and Eradication of Money Laundering

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF ACCESSION: 28 MARCH 1979</p>
<ul style="list-style-type: none"> a. Presidential Decree No. 43 / 1978 Concerning ratification of Convention on International Trade in Endangered Species of Wild Fauna and Flora b. Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem c. Act No. 41 /1999 on Forestry d. Government Regulation No. 7 / 1999 on Preservation of Plants and Animals Species e. Government Regulation No. 8 / 1999 on The Utilization of Wild Plants and Animals Species f. Ministry of Forestry Decree No. 447/Kpts-II/2003, Administration Directive for the Harvest or Capture and Distribution of Specimen of Wild Plant and Animals g. Act No. 31 / 2004 on Fishery. h. Ministry of Forestry Regulation No. P.19/MENHUT-II/2005 on Plant Breeding and Wildlife as amended in the Ministry of Forestry Regulation No. P.69/MENHUT-II/2013. 	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF ACCESSION: 12 JANUARY 2009</p>
<ul style="list-style-type: none"> a. Act No. 5 / 2009 on Ratification of United Nations Convention Against Transnational Organized Crime 	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF ACCESSION: 19 SEPTEMBER 2006</p>
<ul style="list-style-type: none"> a. Act No. 7 / 2006 on Ratification of United Nations Convention Against Corruption b. Act No. 28 / 1999 on Good Governance and Free from Corruption c. Act No. 20 / 2001 on Corruption Eradication d. Act No. 30 / 2002 on Corruption Eradication Commission e. Act No. 46 / 2009 on Court of Corruption Crime 	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF ACCESSION: 22 AUGUST 2014</p>
<ul style="list-style-type: none"> a. Presidential Regulation No. 69 / 2014 on Ratification of International Convention On The Simplification And Harmonization Of Customs Procedures, As Amended b. Presidential Decree No. 130 / 1998 on Ratification of ASEAN Agreement on Customs 	
<p>5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995</p>	<p>DATE OF ACCESSION: 14 NOVEMBER 2002</p>
<ul style="list-style-type: none"> a. Presidential decree no. 76 / 2002 on ratification protocol 8 sanitary and phytosanitary measures to implement the ASEAN framework agreement on the facilitation of goods in transit b. Presidential regulation no. 28 / 2014 on ratification protocol to incorporate technical barriers to trade and sanitary and phytosanitary measures into the agreement on trade in goods of the framework agreement on comprehensive economic co-operation between the association of Southeast Asian nations and the people's republic of china 	

6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL	DATE OF ACCESSION: 23 AUGUST 1994
<ul style="list-style-type: none"> a. Act No. 5 / 1994 on Ratification of United Nations Convention On Biological Diversity b. Act No. 5 / 1990 on Conservation of Living Resources and their Ecosystem c. Act No. 11 / 2013 on Ratification of Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the convention on biological diversity d. Regulation of the Minister of Forestry on Plant Breeding and Wildlife e. Act No. 21 / 2004 on Ratification of Cartagena Protocol on Biosafety to the Convention on Biological Diversity 	
7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972	DATE OF ACCESSION: 6 JULY 1989
<ul style="list-style-type: none"> a. Presidential Decree No.26 / 1989 on Ratification Convention Concerning the Protection of the World Cultural and Natural Heritage b. Act No. 5 / 1992 on Cultural Heritage Objects c. Act No. 11 / 2010 on Cultural Heritage 	
8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2009	DATE OF RATIFICATION: 4 JUNE 2008
<ul style="list-style-type: none"> a. Act No. 15 / 2008 Ratification on Treaty on Mutual Legal Assistant on Criminal Matters (ASEAN) 	
9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION - THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012	MEMBER OF ASIA/ PACIFIC GROUP ON MONEY LAUNDERING SINCE AUGUST 1999
<ul style="list-style-type: none"> a. Act. No. 8 / 2010 on Prevention and Eradication of Money Laundering 	

3 BILATERAL/MULTILATERAL AGREEMENTS /MOUS RELATING TO IMPLEMENTATION AND ENFORCEMENT OF CITES REGIME

<p>1 MOU BETWEEN DIRECTORATE OF FOREST PROTECTION AND NATURE CONSERVATION (MINISTRY OF FORESTRY) AND VIETNAM ADMINISTRATION OF FORESTRY (MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT) ON COOPERATION IN WILDLIFE LAW ENFORCEMENT DATED DECEMBER 2012</p>	<p>2012-2017</p>
<p>Objective is to promote cooperation in wildlife law enforcement and eliminate illicit trafficking in protected species in the following areas:</p> <ol style="list-style-type: none"> 1 Information sharing and exchange 2 Public awareness 3 Capacity building and training 4 Enforcement cooperation and coordination facilitation 	<p>Vietnam</p>
<p>2 MOU BETWEEN GOVERNMENT OF INDONESIA AND GOVERNMENT OF THE UNITED STATES OF AMERICA ON CONSERVING WILDLIFE AND COMBATING WILDLIFE TRAFFICKING</p>	<p>2014-2019</p>
<p>Objectives:</p> <ol style="list-style-type: none"> 1. Cooperation to strengthen capacity for wildlife conservation and management in Indonesia; 2. Cooperate regionally and globally to further the mutual objective of combating the illegal trade in wildlife and wildlife products. 	<p>USA</p>
<p>3 MOU BETWEEN INDONESIA, MALAYSIA AND THE PHILIPPINES ON THE ADOPTION OF THE CONSERVATION PLAN FOR THE SULU-SULAWESI MARINE ECOREGION (SSME)</p>	<p>13 FEBRUARY 2004</p>
<p>The agreements in the MOU are implemented by the Tri-National National Committee which has a Sub-committee working on Threatened, Charismatic and Migratory Species (TCMS).</p>	<p>Philippines, Indonesia and Malaysia</p>
<p>4 MOU BETWEEN THE CITES MANAGEMENT AUTHORITY (DIRECTORATE GENERAL OF FOREST PROTECTION AND NATURE CONSERVATION MINISTRY OF FORESTRY) OF THE REPUBLIC OF INDONESIA AND THE CITES MANAGEMENT AUTHORITY (THE ENDANGERED SPECIES IMPORT AND EXPORT MANAGEMENT OFFICE) OF THE PEOPLE'S REPUBLIC OF CHINA</p>	<p>3 SEPTEMBER 2014 FOR 5 YEARS</p>
<p>To promote and facilitate legal and sustainable trade of wildlife species in the framework of the CITES, including conservation efforts of the wildlife resources and its habitat.</p>	<p>Indonesia and China</p>

4 KEY PROVISIONS OF WILDLIFE LAWS

4.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A <i>The Law : Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem</i>	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
20	<p>(1) Plants and animal are classified into :</p> <ul style="list-style-type: none"> a. Protected plant and animal species. b. Unprotected plant and animal species. <p>(2) Protected plant and animal species, pertaining to paragraph (1), are classified into:</p> <ul style="list-style-type: none"> a. Endangered species b. Rare species <p>(3) Further provisions pertaining to paragraph (2) shall be regulated by a Government Regulation.</p>
21	<p>(1) Any and all persons are prohibited to:</p> <ul style="list-style-type: none"> a. Take, fell, keep, destroy, exterminate, care for, transport, and trade in protected plant or parts thereof in live or dead condition. b. Transfer protected plants or parts thereof in live or dead condition from one place to another, within or outside Indonesia. <p>(2) Any and all persons are prohibited to:</p> <ul style="list-style-type: none"> a. Catch, injure, kill, keep, possess, care for, transport, and trade in a protected animal in live condition. b. Keep, posses, care for, transport, and trade in a protected animal in dead condition. c. Transfer a protected animal from one place to another, within or outside Indonesia. d. Trade, keep or possess skin, bodies or other parts of a protected animal, or goods made of parts of the animal, or transfer from one place in Indonesia to another, within or outside Indonesia. e. Take, destroy, exterminate, trade, keep, or possess an egg and /or a nest of a protected animal.
40	<p>(1) Whosoever intentionally violates the provisions pertaining to Paragraph (1) of Article 19 and Paragraph (1) of Article 33 shall be liable to punishment by imprisonment up to a maximum of 10 years and a fine up to a maximum of Rp. 200.000.000,00.</p> <p>(2) Whosoever intentionally violates the provisions pertaining to Paragraph (1) and Paragraph (2) of Article 21 and Paragraph (3) of Article 33 shall be liable to punishment by imprisonment up to a maximum of 5 years and a fine up to a maximum Rp. 100.000.000,00.</p> <p>(3) Whosoever, through negligence, violates the provisions pertaining to Paragraph (1) of Article 19 and Paragraph (1) of Article 33 shall be liable to punishment by imprisonment up to a maximum of one year and a fine of up to a maximum Rp. 100.000.000,00.</p> <p>(4) Whosoever, through negligence, violates the provisions pertaining to Paragraph (1) and Paragraph (2) of Article 21 and Paragraph (3) of Article 33 shall be Liable to punishment by imprisonment up to a maximum of one year and a fine of up to maximum Rp. 50.000.000,00.</p> <p>(5) Actions pertaining to Paragraph (1) and Paragraph (2) shall be regulated as a Criminal whereas actions pertaining to Paragraph (3) and (4) of this Article shall be established as a Violation.</p>

B Act No. 41 /1999 on Forestry

AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
50	<p>(1) *</p> <p>(2) Anybody who has received the license of forest area use; the license of utilizing environmental services, the right of timber and non-timber forest product utilization, the license of timber and non-timber forest product collection; is not allowed to undertake any activities leading to forest damage.</p> <p>(3) No one is allowed to:</p> <p>a. *</p> <p>b. encroach a forest area;</p> <p>c. cut trees within a radius or distance up to:</p> <ol style="list-style-type: none">1. 500 (five hundred) meters from the edge of a lake;2. 200 (two hundred) meters from the edge of water sources and alongside rivers in a swamp area;3. 100 (hundred) meters alongside of rivers;4. 50 (fifty) meters along sides of streams5. 2 (two) times the depth of ravine from the edge of ravine;6. 130 (one hundred thirty) times the difference between the highest and the lowest tide, measured from the coastline <p>d. burn the forests;</p> <p>e. cut trees or harvest or collect any forest products within the forest area without holding any rights or license issued by authorized officials;</p> <p>f. - h *</p> <p>i. graze livestock within the forest area which is not assigned specifically by authorized officials for that purpose;</p> <p>j.- k *</p> <p>l. throw any inflammable material into the forest area which may cause forest fires and threat the existence and sustainability of forest functions; and</p> <p>m. remove, carry, transport plants and wildlife species which are not protected by the law, from forest area without any legal authorization.</p> <p>(4) Further provisions concerning removal, carrying or loading actions of protected plants and animal species, shall be regulated by the prevailing laws and regulations.</p>
78	<p>CHAPTER XIV PROVISIONS OF CRIMINAL CONDUCTS</p> <p>(1) *</p> <p>(2) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter a, letter b, or letter c, shall be liable to punishment by imprisonment up to a maximum of 10 (ten) years and a fine up to a maximum of . 5,000,000,000,- (five billion rupiah).</p> <p>(3) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (d) shall be liable to punishment by imprisonment up to a maximum of 15 (fifteen) years and a fine up to a maximum of . 5,000,000,000,- (five billion rupiah)</p> <p>(4) Whosoever, due to negligence, violates the provisions of Article 50 paragraph (3) letter (d) shall be liable to punishment by imprisonment up to a maximum of 5 (five) years and a fine up to a maximum of 1,500,000,000,- (one billion five hundred million rupiah).</p> <p>(5) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (e) or letter (f), shall be liable to punishment by imprisonment up to a maximum of 10 (ten) years and a fine up to a maximum of IDR 5,000,000,000,- (five billion rupiah).</p>

*Footnote: all provisions with ** have been repealed by Act No. 18 / 2013 on Preventing and Combating Forest Destruction

B Section continued	
ARTICLE NO.	PROVISIONS
	(6) *
	(7) *
	(8) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (i), shall be liable to punishment by imprisonment up to a maximum of 3 (three) months and a fine up to a maximum of IDR 10,000,000,- (ten million rupiah).
	(9) *
	(10) *
	(11) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (l), shall be liable to punishment by imprisonment up to a maximum of 3 (three) years and a fine up to a maximum of IDR 1,000,000,000,- (one billion rupiah).
	(12) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (m), shall be liable to punishment by imprisonment up to a maximum of 1 (one) year and a fine up to a maximum of IDR 50,000,000,- (fifty million rupiah).
	(13) Actions referred to in paragraph (1), paragraph (2), paragraph (3), paragraph (4), paragraph (5), paragraph (6), paragraph (7), paragraph (9), paragraph (10), and paragraph (11) shall be defined as criminal conducts, while actions as referred in paragraph (8), and paragraph (12) shall be defined as violations.
	(14) Actions referred to in Article 50 paragraph (1), paragraph (2), and paragraph (3), if made by and/or one behalf of a legal business entity, the legal actions and criminal sanctions should be imposed on the board of management, either individually or jointly, who shall be liable to punishment in accordance with respective sanction with an addition of 1/3 (one third) of the decided sanctions.
	All forest products harvested as a result of criminal act and violation and/or all equipment including transport means used in the criminal act and/or the violation as referred to in this article shall be confiscated for the state.

C Government Regulation No. 8 / 1999 on The Utilization of Wild Plants and Animals Species	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
50	<p>(1) Whomever without permission to use the protected wild flora and or fauna for the interest as referred to Article 4 paragraph (2) shall be sentenced because he/she commit an action prohibited according to the provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.</p> <p>(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible IDR 50,000,000.00 (fifty million Rupiah) and or sentenced not being permitted to conduct study, research and development to the wild flora and fauna for the period at the longest of 5 (five) years.</p> <p>(3) Whomever taking out wild flora and or fauna from the natural habitat without permission or without pursuant to the provisions as referred to Article 4 paragraph (3), Article 8 paragraph (2), Article 29 and Article 39 paragraph (2) may automatically subject to administration penalty as much as possible IDR 40,000,000.00 (forty million Rupiah) and or sentenced not being permitted to conduct activity of exploitation of wild flora and fauna.</p>
56	<p>(1) Whomever conduct trade of protected wild fauna shall be sentenced because conducting a deed prohibited according to provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.</p> <p>(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible IDR 200,000,000.00 (two hundred million Rupiah) and or revocation of the pertinent business permit.</p>

*Footnote: all provisions with "**", have been repealed by Act No. 18 / 2013 on Preventing and Combating Forest Destruction

C Section continued	
ARTICLE NO.	PROVISIONS
57	Whomever conduct wild flora and fauna trade other than the Business entity and community as referred to Article 19 shall be sentenced because of conducting smuggling.
59	<p>(1) Export, re-export, or import of wild flora and or fauna without permission as referred to Article 24 paragraph (1), or without documents, or falsifying documents, or deviating from the document requirements as referred to Article 26 shall be sentenced because of conducting smuggling.</p> <p>(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible IDR 250,000,000.00 (two hundred fifty million Rupiah) and or revocation of the pertinent commercial business permit.</p>

4.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT /ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

A *Director General Decree (DG Forest Protection and Nature Conservation Ministry of Forestry) No. SK.128/IV-PPH/2008 on National Task Force for ASEAN WEN.*

AGENCY National Task Force ASEAN WEN:
Ministry of Environment and Forestry, Customs, Police, Attorney General, Quarantine

4.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY AT LEAST FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY¹ OR BY LAW

A *Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem*

AGENCY Ministry of Environment and Forestry

ARTICLE NO.	PROVISIONS
21	<p>(1) Any and all persons are prohibited to:</p> <ol style="list-style-type: none"> a Take, fell, keep, destroy, exterminate, care for, transport, and trade in protected plant or parts thereof in live or dead condition. b Transfer protected plants or parts thereof in live or dead condition from one place to another, within or outside Indonesia. <p>(2) Any and all persons are prohibited to:</p> <ol style="list-style-type: none"> a. Catch, injure, kill, keep, possess, care for, transport, and trade in a protected animal in live condition. b. Keep, posses, care for, transport, and trade in a protected animal in dead condition. c. Transfer a protected animal from one place to another, within or outside Indonesia. d. Trade, keep or possess skin, bodies or other parts of a protected animal, or goods made of parts of the animal, or transfer from one place in Indonesia to another, within or outside Indonesia. e. Take, destroy, exterminate, trade, keep, or possess an egg and /or a nest of a protected animal.
40	<p>Whosoever intentionally violates the provisions pertaining to Paragraph (1) of Article 19 and Paragraph (1) of Article 33 shall be liable to punishment by imprisonment up to a maximum of 10 years and a fine up to a maximum of IDR 200.000.000,00 (two hundreds million rupiah)</p> <p>Whosoever intentionally violates the provisions pertaining to Paragraph (1) and Paragraph (2) of Article 21 and Paragraph (3) of Article 33 shall be liable to punishment by imprisonment up to a maximum of 5 years and a fine up to a maximum IDR 100.000.000,00 (one hundred million rupiah).</p> <p>Whosoever, through negligence, violates the provisions pertaining to Paragraph (l) of Article 19 and Paragraph (1) of Article 33 shall be liable to punishment by imprisonment up to a maximum of one year and a fine of up to a maximum IDR. 100.000.000,00.(one hundred million rupiah)</p>

¹ Per definition in UNTOC

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(4) Whosoever, through negligence, violates the provisions pertaining to Paragraph (1) and Paragraph (2) of Article 21 and Paragraph (3) of Article 33 shall be Liable to punishment by imprisonment up to a maximum of one year and a fine of up to maximum IDR 50.000.000,00. (fifty million rupiah)</p> <p>(5) Actions pertaining to Paragraph (1) and Paragraph (2) shall be regulated as a Criminal whereas actions pertaining to Paragraph (3) and (4) of this Article shall be established as a Violation.</p>

B Act No. 41 /1999 on Forestry	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
50	<p>(1) *</p> <p>(2) Anybody who has received the license of forest area use; the license of utilizing environmental services, the right of timber and non-timber forest product utilization, the license of timber and non-timber forest product collection; is not allowed to undertake any activities leading to forest damage.</p> <p>(3) No one is allowed to:</p> <p>a. *</p> <p>b. encroach a forest area;</p> <p>c. cut trees within a radius or distance up to:</p> <ol style="list-style-type: none"> 1. 500 (five hundred) meters from the edge of a lake; 2. 200 (two hundred) meters from the edge of water sources and alongside rivers in a swamp area; 3. 100 (hundred) meters alongside of rivers; 4. 50 (fifty) meters along sides of streams 5. 2 (two) times the depth of ravine from the edge of ravine; 6. 130 (one hundred thirty) times the difference between the highest and the lowest tide, measured from the coastline <p>d. burn the forests;</p> <p>e. cut trees or harvest or collect any forest products within the forest area without holding any rights or license issued by authorized officials;</p> <p>f.- h. *</p> <p>i. graze livestock within the forest area which is not assigned specifically by authorized officials for that purpose;</p> <p>j.-k. *</p> <p>l. throw any inflammable material into the forest area which may cause forest fires and threat the existence and sustainability of forest functions; and</p> <p>m. remove, carry, transport plants and wildlife species which are not protected by the law, from forest area without any legal authorization.</p> <p>(4) Further provisions concerning removal, carrying or loading actions of protected plants and animal species, shall be regulated by the prevailing laws and regulations.</p>

*Footnote: all provisions with "**", have been repealed by Act No. 18 / 2013 on Preventing and Combating Forest Destruction

B Section continued

ARTICLE NO.	PROVISIONS
78	<p>CHAPTER XIV PROVISIONS OF CRIMINAL CONDUCTS</p> <p>(1) *</p> <p>(2) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter a, letter b, or letter c, shall be liable to punishment by imprisonment up to a maximum of 10 (ten) years and a fine up to a maximum of . 5,000,000,000,- (five billion rupiah).</p> <p>(3) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (d) shall be liable to punishment by imprisonment up to a maximum of 15 (fifteen) years and a fine up to a maximum of . 5,000,000,000,- (five billion rupiah)</p> <p>(4) Whosoever, due to negligence, violates the provisions of Article 50 paragraph (3) letter (d) shall be liable to punishment by imprisonment up to a maximum of 5 (five) years and a fine up to a maximum of 1,500,000,000,- (one billion five hundred million rupiah).</p> <p>(5) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (e) or letter (f), shall be liable to punishment by imprisonment up to a maximum of 10 (ten) years and a fine up to a maximum of IDR 5,000,000,000,- (five billion rupiah).</p> <p>(6) *</p> <p>(7) *</p> <p>(8) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (i), shall be liable to punishment by imprisonment up to a maximum of 3 (three) months and a fine up to a maximum of Rp. 10,000,000,- (ten million rupiah).</p> <p>(9) *</p> <p>(10) *</p> <p>(11) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (l), shall be liable to punishment by imprisonment up to a maximum of 3 (three) years and a fine up to a maximum of IDR 1,000,000,000,- (one billion rupiah).</p> <p>(12) Whosoever intentionally violates the provisions of Article 50 paragraph (3) letter (m), shall be liable to punishment by imprisonment up to a maximum of 1 (one) year and a fine up to a maximum of IDR 50,000,000,- (fifty million rupiah).</p> <p>(13) Actions referred to in paragraph (1), paragraph (2), paragraph (3), paragraph (4), paragraph (5), paragraph (6), paragraph (7), paragraph (9), paragraph (10), and paragraph (11) shall be defined as criminal conducts, while actions as referred in paragraph (8), and paragraph (12) shall be defined as violations.</p> <p>(14) Actions referred to in Article 50 paragraph (1), paragraph (2), and paragraph (3), if made by and/or one behalf of a legal business entity, the legal actions and criminal sanctions should be imposed on the board of management, either individually or jointly, who shall be liable to punishment in accordance with respective sanction with an addition of 1/3 (one third) of the decided sanctions.</p> <p>(15) All forest products harvested as a result of criminal act and violation and/or all equipment including transport means used in the criminal act and/or the violation as referred to in this article shall be confiscated for the state.</p>

*Footnote: all provisions with ***, have been repealed by Act No. 18 / 2013 on Preventing and Combating Forest Destruction

C Government Regulation No. 8 / 1999 on The Utilization of Wild Plants and Animals Species	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
56	<p>(1) Whomever conduct trade of protected wild fauna shall be sentenced because conducting a deed prohibited according to provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.</p> <p>(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 100,000,000.00 (one hundred million Rupiah) and or revocation of the pertinent business permit.</p>
57	Whomever conduct wild flora and fauna trade other than the Business entity and community as referred to Article 19 shall be sentenced because of conducting smuggling.
59	<p>(1) Export, re-export, or import of wild flora and or fauna without permission as referred to Article 24 paragraph (1), or without documents, or falsifying documents, or deviating from the document requirements as referred to Article 26 shall be sentenced because of conducting smuggling.</p> <p>(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible IDR 250,000,000.00 (two hundred fifty million Rupiah) and or revocation of the pertinent commercial business permit.</p>

4.4 PROTECTION OF NON-NATIVE SPECIES

A Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
	There is no direct reference to CITES species

B Government Regulation No. 7/1999 on Preservation of Plants and Animals Species.	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
	Government Regulation No. 7/1999 on Preservation of Plants and Animals Species refer to protected and unprotected species. The Protected Species are listed in this regulation, which is outdated. Non-native species are not listed. Therefore, species protected in CITES may not be protected under Indonesia laws and vice-versa.

4.5 CATEGORIES OF WILDLIFE

A Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
20	<p>(1) Plants and animal are classified into :</p> <ol style="list-style-type: none"> a. Protected plant and animal species. b. Unprotected plant and animal species. <p>(2) Protected plant and animal species, pertaining to paragraph (1), are classified into:</p> <ol style="list-style-type: none"> a. Endangered species b. Rare species <p>(3) Further provisions pertaining to paragraph (2) shall be regulated by a Government Regulation.</p>

B Government Regulation No. 7/1999 on Preservation of Plants and Animals Species.

AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
4	<p>(1) plant and animal groups defined on the basis of:</p> <ul style="list-style-type: none">a. plants and animals are protected;b. plants and animals that are not protected. <p>(2) The types of plants and animals are protected as referred to in paragraph (1) letter a is as attached in hereof.</p> <p>(3) Change of plant and animal species became protected not protected and otherwise stipulated by the Decree of the Minister of after a consideration of the Scientific Authority (Scientific Authority).</p>

4.6 MECHANISM FOR REVIEW AND UPDATE OF PROTECTED SPECIES LIST

A Government Regulation No. 7/1999 on Preservation of Plants and Animals Species.

AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
4	<p>(1) plant and animal groups defined on the basis of:</p> <ul style="list-style-type: none">a. plants and animals are protected;b. plants and animals that are not protected. <p>(2) The types of plants and animals are protected as referred to in paragraph (1) letter a is as attached in hereof.</p> <p>(3) Change of plant and animal species became protected not protected and otherwise stipulated by the Decree of the Minister of after a consideration of the Scientific Authority (Scientific Authority).</p>
5	<p>(1) A species of plants and animals must be classified in class protected if it has met the criteria:</p> <ul style="list-style-type: none">a. has a small population;b. sharp decrease in the number of individuals in the wild;c. limited distribution area (endemic). <p>(2) Against the plants and animals that meet the criteria referred to in paragraph (1) shall be the effort preservation</p>
6	<p>A species of plants and animals are protected status can be changed be protected if the population has reached a level certain growth so that the type in question are no longer included categories of plants and animals as referred to in Article 5 paragraph (1).</p>

4.7 HUNTING OF WILDLIFE

A *The Law: Government Regulation of The Republic of Indonesia No. 13/1994 Fauna hunting*

AGENCY	National Police and Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
3	<p>(1) Basically, fauna hunting is wildlife which is not protected;</p> <p>(2) In certain cases, the Minister may stipulate a protected animal as an fauna hunting.</p> <p>(3) The fauna hunting as referred to in paragraph (1) shall be categorized as follows;</p> <ul style="list-style-type: none">a. birds;b. Small animal;c. big animal; <p>(4) Further stipulation on the categorization of fauna hunting as referred to in paragraph (2) shall be regulated by the Minister.</p>
5	<p>(1) Wild life from other regions within the territory of the Republic of Indonesia may be put in a hunting park and a hunting garden and utilized as fauna hunting.</p> <p>(2) The entry of wild life as referred to in paragraph (1) shall be conducted under the following conditions;</p> <ul style="list-style-type: none">a. Not causing the extinction of the population;b. Consolidating the existing ecosystem;c. Giving priority to the kind of animal which was/is still found around the forest area concerned. <p>(3) Further stipulation on the entry of wild life as referred to in paragraph (1) shall be regulated by the Minister.</p>
12	<p>(1) Hunting can be conducted only after a hunter has obtained a hunting license.</p> <p>(2) To obtain a hunting license the following requirements must be fulfilled :</p> <ul style="list-style-type: none">a. in possession of a hunting act~b. having paid the levy imposed on a hunting license. <p>(3) The procedure as referred to in paragraph (1) and paragraph (2) shall be further regulated by the Minister.</p>
14	Local people conducting traditional hunting need not possess a hunting act or a hunting guide and need not pay a levy on a hunting license.
20	<p>(1) Hunting may not be conducted by means of :</p> <ul style="list-style-type: none">a. using a motorized vehicle or an aircraft as a stepping site;b. using explosives and/or grenades;c. using tracking animals;d. using chemicals;e. burning a hunting site;f. using other instruments to pull or herd the game in a great amount;g. using a net/a trap and a trap hole;h. using a firearm not designated for hunting; <p>(2) In the interest of researches, the Minister may stipulate exceptions to the stipulations in paragraph (1) letters c, f and g;</p> <p>(3) Further stipulation as referred to in paragraph (2) shall be regulated by the Minister.</p>

B Government Regulation No. 8 / 1999 on The Utilization of Wild Plants and Animals Species	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
17	<p>(1) Hunting wild fauna species is conducted for sport hunting, hunting trophy, and traditional hunting by local community.</p> <p>(2) Hunting activity as referred to paragraph (1) shall be regulated in a separate Government Regulation.</p>

4.8 CAPTIVITY BREEDING	
A Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
1	(7) Wildlife is all the animals that live on land, or in water, or in the air that still has the properties of wild, free-living good and reared by humans.
13	(3) The preservation of plant and animal species outside the sanctuary reserves shall be conducted by protection and promoting breeding efforts of the species to avoid their extinction.
17	<p>(1) Activities for research and development, science, education, and other activities supporting enhanced breeding are permitted within the strict nature reserves.</p> <p>(2) Activities research and development, science, education, limited recreation, and other activities supporting enhanced breeding are permitted within the wildlife sanctuary.</p> <p>(3) Further provisions pertaining to paragraph (1) and (2) of this article shall be regulated by a Government Regulation.</p>
25	<p>(1) Protected species preservation both plant and animal may only be carried out in the form of human care or breeding in captivity and by designated institutions.</p> <p>(2) Further provisions pertaining to paragraph (1) shall be established by Government Regulation</p>
31	<p>(1) Activities relating to research, education, breeding enhancement, culture and nature recreation are allowed in a National Park, Grand Forest Park and Natural Recreation Park.</p> <p>(2) Activities pertaining to Paragraph 1 must be carried out without diminishing the specified function for each area.</p>
36	<p>(1) Utilization of wild species of plants and animals may be carried out in the following forms :</p> <ol style="list-style-type: none"> a. Species analyzing, research and development; b. Breeding; c. Hunting; d. Marketing; e. Exhibition; f. Species Exchange; g. Culture of medicinal plants; h. Hobby. <p>(2) Further provisions pertaining to Paragraph (1) shall be regulated by a Government Regulation.</p>

B Government Regulation No. 8 / 1999 on The Utilization of Wild Plants and Animals Species	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
7	<p>(1) Breeding for the purpose of species exploitation shall be conducted through the activities of:</p> <ol style="list-style-type: none"> a. reproduction of flora and fauna intentionally in a controlled environment; and b. hatching egg and or growing kernel taken from the nature. <p>(2) Breeding can be conducted toward protected or not protected wild flora and fauna species.</p> <p>(3) Without prejudicing the provisions as regulated in this Government Regulation, breeding of protected wild flora and fauna species shall also be committed to the prevailing provisions for preserving flora and fauna species.</p>
8	<p>(1) Wild flora and fauna species for breeding shall be obtained from natural habitat or other valid sources according to the provisions of this Government Regulation.</p> <p>(2) Taking out species of wild flora and capturing wild fauna from the nature for breeding shall be further regulated by the Minister.</p>
9	<p>(1) Anybody, Legal Body, cooperative or Conservation Institution may conduct breeding of wild flora and fauna species upon the permit of the Minister.</p> <p>(2) Permit of breeding as referred to paragraph (1) shall at once also represent the permit to sell the products of breeding after fulfilling certain qualification standard of breeding.</p> <p>(3) Qualification Standard as referred to paragraph (2) shall be specified based on the consideration:</p> <ol style="list-style-type: none"> a. population number limit of wild flora and fauna species of breeding result; b. professionalism of breeding activity; c. rareness of wild flora and fauna species to be bred. <p>(4) Further provisions on qualification standard of breeding shall be regulated by the Minister.</p>
10	<p>(1) Breeding results of protected wild flora may be used for the purpose of trade.</p> <p>(2) Breeding results of flora as referred to Paragraph (1) shall be expressed as not protected flora.</p> <p>(3) Provision as referred to paragraph (1) and paragraph (2) shall not be applicable to the flora species as referred to Article 34.</p>
11	<p>(1) Breeding results of protected wild fauna which can be used for trade is wild fauna of the second and further generation.</p> <p>(2) The second and next generation from breeding results of protected wild fauna species shall be expressed as not protected wild fauna species.</p> <p>(3) Provision as referred to paragraph (1) and paragraph (2) shall not be applicable for the wild fauna species as referred to Article 34.</p>
52	<p>(1) Whomever conduct breeding wild flora and or fauna without permission as referred to Article 9 paragraph (1) may automatically subject to administration penalty as much as possible Rp. 25,000,000.00 (twenty five million Rupiah) or revocation of the breeding permit.</p> <p>(2) If the action as referred to paragraph (1) is conducted to the protected flora and or fauna shall be sentenced because he/she take action prohibited according to provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.</p>
53	<p>(1) Breeder conducting trade of wild flora and or fauna without fulfilling the qualification standard as specified by the Minister as referred to Article 9 paragraph (4) shall be sentenced because of it is deemed conducting smuggling.</p> <p>(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 100,000,000.00 (one hundred million Rupiah) and or revocation of the breeding permit.</p>
55	<p>A Breeder who could not meet the obligations as referred to Article 14 or Article 15 paragraph (2) may automatically subject to administration penalty as much as possible Rp. 10,000,000.00 (ten million Rupiah) and or revocation of the breeding permit.</p>

C Government Regulation No. 7/1999 on Preservation of Plants and Animals Species.	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
16	<p>(1) The breeding of plants and animals outside their habitat as referred to in Article 8 paragraph (4) b implemented for the development of the wild population from extinction.</p> <p>(2) breeding activities referred to in paragraph (1) carried out while maintaining the purity of the type and genetic diversity.</p> <p>(3) breeding habitat types outside must fulfill the following requirements:</p> <ol style="list-style-type: none"> maintain the purity of the type; maintaining genetic diversity; perform labeling and certification; make a list of genealogy books (studbook). <p>(4) Further provisions concerning the breeding of plants and animals outside their habitat as referred to in paragraph (1), paragraph (2) and (3) regulated by the Minister.</p>
22	<p>(1) Conservation Society has the main function, namely and breeding of plants and animals or rescue while maintaining the purity of its kind.</p> <p>(2) In addition to having the primary function referred to in paragraph (1) Conservation Society also serves as a education, demonstration and research and development of science knowledge.</p> <p>(3) Institute for Conservation can be shaped Zoo, Museum Zoology, Animal Park Special, Special Animal Training Centre, Gardens Botany, Plant Herbarium and Garden Special.</p>
23	<p>(1) In order to function, the conservation can obtain plants and or animals, either protected or unprotected through :</p> <ol style="list-style-type: none"> capture or captivity of nature; confiscated; exchange; purchase, for the types that are not protected. <p>(2) Further provisions concerning the procedures for obtaining plants and animals for conservation institute referred to in paragraph (1) is regulated by the Minister.</p>
D Ministry of Forestry Decree No. 447/Kpts-II/2003, Administration Directive for the Harvest or Capture and Distribution of Specimen of Wild Plant and Animals	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
18	<p>(1) Captive management of plant shall mean any activity to artificially reproduce plants (artificial propagation) in a controlled condition from plant materials such as seeds, cuttings, divisions, spores, and callus tissues or other plant propagules.</p> <p>(2) Captive management of animals shall mean any activity :</p> <ol style="list-style-type: none"> to reproduce animals from parents mated or gametes transferred in a controlled environment, or the parents were in a controlled environment when development of the offspring began, known or any activity, of hatching eggs taken from the wild, and rearing the hatchlings in a controlled environment, or activity of rearing young animals taken from the wild, in a controlled environment, known hereinafter as Ranching. <p>(3) Specimens of wild plants and animals resulted from the captive management referred to in paragraph (1) and paragraph (2) are one of the sources of stock of wild plants or animals specimens for commercial purposes and may be traded domestically or internationally, after meeting the requirements of captive management;</p> <p>(4) Further provisions on captive management shall be regulated in separate Ministerial Regulation.</p>

D Section continued	
ARTICLE NO.	PROVISIONS
19	<p>(1) In order to ensure the effectiveness of control of the utilization of wild plants and animals specimens sourced from captive management, a maximum number of specimens resulted from captive management is established.</p> <p>(2) The maximum number referred to paragraph (1) is the upper limit in terms of the name of species and total specimens of wild plants and animals which can be taken from every captive management operation, including those resulted from wild based management operation.</p>
4.9 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE	
A Ministry of Forestry Decree No. 447/Kpts-II/2003, Administrative on Directive for the Harvest or Capture and Distribution of Specimen of Wild Plant and Animals.	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
41	<p>(1) Export of specimens of care for hobby referred to in Article 38 paragraph (2) letter c, whether dead or alive or parts or derivatives thereof, in the forms of personal effects or tourist souvenirs shall be taken personally by the owner or by the authorised person as an accompanied goods, whether taken to or brought from foreign countries.</p> <p>(2) Export, re-export or import personal effect or tourist souvenir specimen of a protected species included in CITES Appendix-I is prohibited.</p> <p>(3) Prohibition referred to in paragraph (2) includes also selling of tourist souvenirs in international departure areas, such as at an international airport, seaport and land border check point, beyond customs control.</p> <p>(4) Exemption from the prohibition referred to in paragraph (2) may only be granted for specimen of Appendix-I species of hunting trophy whose quota had been previously established in the Conference of the Parties to CITES, or products of captive breeding or artificial propagation from operation registered by the CITES Secretariat.</p> <p>(5) Maximum number of specimen of personal effect and tourist souvenirs permitted for each person, is as follows:</p> <ol style="list-style-type: none"> Live plant other than orchids, 2 plants; Live animal, 2 heads; Skin or skin products of wild animals, 5 pieces skin or 10 pieces (pairs) skin products, such as wallet, shoes, handbag, and gloves; Agarwood, 2 kg; Tree fern products, 10 kg; Products, in the forms of oil, medicine, and other products, in accordance with the personal needs; Orchids, 10 plants.
42	<p>(1) Export, re-export or import of personal effects or tourist souvenir specimens of unprotected species and included in CITES Appendix-II and Appendix-III is permitted after the issuance of CITES permit.</p> <p>(2) Personal effect or tourist souvenir referred to in paragraph (1) shall be limited only for personal belonging obtained outside the country of usual residence, and not valid for live specimen or specimen transported in an un-accompanied baggage.</p> <p>(3) Permit and export procedure for personal effect and tourist souvenir specimens referred to in paragraph (1) may be simplified in accordance with CITES provisions.</p> <p>(4) Further provision concerning simplification and the format of permit for personal effect and tourist souvenir is regulated by the Director General.</p>
Part VII article 67 - 79	Articles 67-79 set out the permit requirements for domestic and foreign transport of wild plants and animals.

B Government Regulation No. 7/1999 on Preservation of Plants and Animals Species	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
25	<p>(1) Delivery or transport plants and animals of the type that protected from and to a place in the territory of the Republic of Indonesia or and exit from the territory of the Republic of Indonesia on the basis of consent Minister.</p> <p>(2) Delivery or transport of plants and animals as referred to in subsection (1) must:</p> <ol style="list-style-type: none"> comes with a health certificate from plants and animals the competent authority; conducted in accordance with applicable technical requirements. <p>(3) Further provisions concerning the procedures for delivery or transport of plants and animals as referred in paragraph (1) and (2) regulated by the Minister.</p>
C Government Regulation No. 8/1999 on The Utilization of Wild Plants and Animals Species	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
18	<p>(1) Wild flora and fauna which can be commercialized are not protected wild flora and fauna species.</p> <p>(2) Wild flora and fauna for trade shall be obtained from:</p> <ol style="list-style-type: none"> breeding results; capturing or taking out from the nature.
19	<p>(1) Wild flora and fauna species trade may only be conducted by Business entity founded according to the Indonesia Law after obtaining recommendation from the Minister.</p> <p>(2) Exempted from the provision as referred to paragraph (1), the trade in limited scale may be conducted by community staying in and around Hunting Area and around the Hunting Park as referred to the provision of law and regulation on fauna hunting.</p>
20	<p>(1) Business entity conducting wild flora and fauna species trade is obliged to:</p> <ol style="list-style-type: none"> have place and facility of wild flora and fauna relocation fulfilling the technical requirements; arrange annual working plan of flora and fauna trade business; submit report of each flora and fauna trade implementation. <p>(2) Implementation provisions as referred to paragraph (1), shall be further regulated by the Minister.</p>
21	Business entity conducting wild flora and fauna trade must pay for the contribution specified according to the provisions of prevailing law and regulations.
22	<p>(1) Wild flora and fauna trade shall be regulated pursuant to the scope of trade:</p> <ol style="list-style-type: none"> domestic; export, or import. <p>(2) Each wild flora and fauna trade must be provided with the valid documents.</p>
23	Provision concerning domestic wild flora and fauna trade shall be further regulated based on the Decree of the Minister.
24	<p>(1) Each wild flora and fauna trade for the purpose of export, re-export, or import shall be conducted on the basis of the permit of the Minister.</p> <p>(2) Trade Documents for the purpose of export, re-export, and import, shall be valid if they have fulfilled the following conditions:</p> <ol style="list-style-type: none"> to have delivery or transportation documents; export, re-export, or import permits; recommendation of Scientific Authority.

C Section continued	
ARTICLE NO.	PROVISIONS
	(3) Further provisions on trade document as referred to paragraph (2) shall be regulated based on Decree of the Minister.
25	(1) Wild flora and fauna for export, re-export, or import must be conducted quarantine actions. (2) In conducting the quarantine action as referred to paragraph (1), quarantine officer is obliged to check the health of wild flora and fauna species and completion as well as conformity of the specimen with the documents.
26	Export, re-export, or import of wild flora and fauna species without documents or falsifying documents or deviating from the conditions of documents as referred to Article 24 paragraph (2) shall be consider as smuggling.
42	(1) Delivery or transportation of wild flora and fauna species from one habitat to other habitat in Indonesia, or from and out Indonesian region, must be provided with complete documents of delivery or transportation. (2) The Documents shall be expressed valid, if they have fulfilled the following conditions: a. technical standard of transportation; b. delivery permit; c. breeding permit for fauna of breeding results; d. fauna health certificate from the competent official. (3) Delivery Permit as referred to paragraph (2) letter b is obliged to contain information on: a. species and number of flora and fauna; b. departure and target ports; c. body or people identity sending and receiving the flora and fauna; d. allotment of flora and fauna utilization.
56	(1) Whomever conduct trade of protected wild fauna shall be sentenced because conducting a deed prohibited according to provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem. (2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible IDR 200,000,000.00 (two hundred million Rupiah) and or revocation of the pertinent business permit.
57	Whomever conduct wild flora and fauna trade other than the Business entity and community as referred to Article 19 shall be sentenced because of conducting smuggling
59	(1) Export, re-export, or import of wild flora and or fauna without permission as referred to Article 24 paragraph (1), or without documents, or falsifying documents, or deviating from the document requirements as referred to Article 26 shall be sentenced because of conducting smuggling. (2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 250,000,000.00 (two hundred fifty million Rupiah) and or revocation of the pertinent commercial business permit.
61	(1) Whomever conduct exchanging wild flora and fauna deviating from the provisions as referred to Article 32 shall be sentenced because of conducting an action prohibited according to the provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem. (2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 200,000,000.00 (two hundred million Rupiah) and or revocation of the pertinent business permit.

C Section continued	
ARTICLE NO.	PROVISIONS
63	<p>(1) Whomever conducting deliver or transportation of wild flora and or fauna without documents of delivery or transportation, or deviating from the requirements or do not meet the obligations, or falsifying documents as referred to Article 42 paragraph (1), paragraph (2), and paragraph (3) shall be sentenced because he/she has participated and committed smuggling and or stealing and or trying to damage environment.</p> <p>(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible Rp. 250,000,000.00 (two hundred fifty million Rupiah) and or revocation of the pertinent business permit.</p>

D Minister Of Trade Regulation Of The Minister Of Trade No. 50 / M-Dag / Per / 9/ 2013 On Export Controls Of Natural Plant And Wildlife Are Not Protected By Law And Including In Cites List	
AGENCY	Ministry of Trade
ARTICLE NO.	PROVISIONS
2	Types of Natural Plant and Wildlife which are restricted to export include the natural plant and wildlife which are not protected by law and including in list of CITES as listed in Annex I, the integral part of regulation of this Minister.
3	<p>(1) Natural plant and wildlife which are not protected and including in the list of CITES as referred to in article 2 are just can be exported by companies that have SPE-TASL from Minister.</p> <p>(2) The Minister delegate the publishing of SPE-TASL as in the in paragraph (1) to the Director.</p> <p>(3) Director publish the SPE-TASL as mentioned in paragraph (1) for and on behalf of the Minister.</p>
9	<p>(1) The exporter who did the export of Natural Plant and Wildlife which does not comply with the provisions of this regulation of the Minister, penalized another according to the provisions of regulations</p> <p>(2) Exporters affected by the lifting of sanctions SPE-TASL the grounds referred to in article 7 letter a may apply for the issuance of SPE-TASL returned after conveying the report the realization of export referred to in article 6.</p>

4.10 ILLEGAL POSSESSION OF PROTECTED WILDLIFE

A Act No. 5/1990 on Conservation of Living Resources and their Ecosystem	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
21	<p>(1) Any and all persons are prohibited to:</p> <ol style="list-style-type: none"> a. Take, fell, keep, destroy, exterminate, care for, transport, and trade in protected plant or parts thereof in live or dead condition. b. Transfer protected plants or parts thereof in live or dead condition from one place to another, within or outside Indonesia. <p>(2) Any and all persons are prohibited to:</p> <ol style="list-style-type: none"> a. Catch, injure, kill, keep, possess, care for, transport, and trade in a protected animal in live condition. b. Keep, posses, care for, transport, and trade in a protected animal in dead condition. c. Transfer a protected animal from one place to another, within or outside Indonesia. d. Trade, keep or possess skin, bodies or other parts of a protected animal, or goods made of parts of the animal, or transfer from one place in Indonesia to another, within or outside Indonesia. e. Take, destroy, exterminate, trade, keep, or possess an egg and /or a nest of a protected animal.

B Act No. 41/1999 on Forestry	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
50	<p>(1) *</p> <p>(2) Anybody who has received the license of forest area use; the license of utilizing environmental services, the right of timber and non-timber forest product utilization, the license of timber and non-timber forest product collection; is not allowed to undertake any activities leading to forest damage.</p> <p>(3) No one is allowed to:</p> <ul style="list-style-type: none"> a.* b. encroach a forest area; c. cut trees within a radius or distance up to: <ul style="list-style-type: none"> 1. 500 (five hundred) meters from the edge of a lake; 2. 200 (two hundred) meters from the edge of water sources and alongside rivers in a swamp area; 3. 100 (hundred) meters alongside of rivers; 4. 50 (fifty) meters along sides of streams 5. 2 (two) times the depth of ravine from the edge of ravine; 6. 130 (one hundred thirty) times the difference between the highest and the lowest tide, measured from the coastline d. burn the forests; e. cut trees or harvest or collect any forest products within the forest area without holding any rights or license issued by authorized officials; f. - h.* i. graze livestock within the forest area which is not assigned specifically by authorized officials for that purpose; j. - k.* l. throw any inflammable material into the forest area which may cause forest fires and threat the existence and sustainability of forest functions; and m. remove, carry, transport plants and wildlife species which are not protected by the law, from forest area without any legal authorization. <p>(4) Further provisions concerning removal, carrying or loading actions of protected plants and animal species, shall be regulated by the prevailing laws and regulations.</p>

C Government Regulation No. 8/1999 on The Utilization of Wild Plants and Animals Species	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
37	<p>Conservancy for hobby</p> <p>(1) Anybody may look after wild flora and fauna species for the purpose of hobby.</p> <p>(2) Wild flora and fauna for conservancy for hobby may only be conducted to the not protected species.</p>
38	<p>The Minister shall specify maximum limit of the wild flora and fauna number which can be looked after for hobby.</p>
39	<p>(1) Wild flora and fauna for conservancy for hobby shall be obtained from breeding results, legal trade, or from natural habitat.</p> <p>(2) Taking out wild flora and capturing wild fauna for conservancy for hobby shall be further regulated by the Minister.</p>

*Footnote: all provisions with "**", have been repealed by Act No. 18 / 2013 on Preventing and Combating Forest Destruction

C Section continued	
ARTICLE NO.	PROVISIONS
37	<p>(1) Anybody may look after wild flora and fauna species for the purpose of hobby.</p> <p>(2) Wild flora and fauna for conservancy for hobby may only be conducted to the not protected species.</p>
38	The Minister shall specify maximum limit of the wild flora and fauna number which can be looked after for hobby.
39	<p>(1) Wild flora and fauna for conservancy for hobby shall be obtained from breeding results, legal trade, or from natural habitat.</p> <p>(2) Taking out wild flora and capturing wild fauna for conservancy for hobby shall be further regulated by the Minister.</p>
40	<p>(1) Conservancy of wild flora and fauna species for hobby, is obliged to:</p> <p>a. maintain health, convenience, and security of the wild fauna or flora species;</p> <p>b. provide place and facility fulfilling the standard of conservancy for wild flora and fauna species.</p> <p>(2) Implementation provisions concerning the obligation as referred to paragraph (1) shall be further regulated based on the Decree of the Minister.</p>
50	<p>(1) Whomever without permission to use the protected wild flora and or fauna for the interest as referred to Article 4 paragraph (2) shall be sentenced because he/she commit an action prohibited according to the provisions of Article 21 Law No.5/1990 on Conservation of Biological Natural Resource and Its Ecosystem.</p> <p>(2) The action as referred to paragraph (1) may automatically subject to administration penalty as much as possible IDR 50,000,000.00 (fifty million Rupiah) and or sentenced not being permitted to conduct study, research and development to the wild flora and fauna for the period at the longest of 5 (lima) years.</p> <p>(3) Whomever taking out wild flora and or fauna from the natural habitat without permission or without pursuant to the provisions as referred to Article 4 paragraph (3), Article 8 paragraph (2), Article 29 and Article 39 paragraph (2) may automatically subject to administration penalty as much as possible IDR 40,000,000.00 (forty million Rupiah) and or sentenced not being permitted to conduct activity of exploitation of wild flora and fauna.</p>

4.11 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem

AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
24	<p>(1) The Government shall confiscate any protected wild species both plant and animal resulting from violation to the provisions of Article 21.</p> <p>(2) The confiscated wild species is to be returned to its habitat or be handed over to institutions dealing with wildlife conservation except in the situation that its condition is such that it is not likely to be useful, then it should be destroyed.</p>

B Government Regulation No. 8 / 1999 on The Utilization of Wild Plants and Animals Species

AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
64	(1) Violations as meant in article 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63, as long as concerning the protected wild flora and fauna, then the wild flora and fauna shall be confiscated for the state as meant in article 24 Law No.5/1990.

B Section continued	
ARTICLE NO.	PROVISIONS
	(2) Violations as meant in article 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63, as long as concerning not protected wild flora and fauna, then the wild flora and fauna shall be treated the same as the protected one and confiscated for the state.

C The Law : Act No. 41/1999 on Forestry	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
77	(2) The investigation officer as referred to in paragraph (1) shall be authorized to: d. confiscate evidences of criminal acts pertaining to forests, forest areas and forest products;
78	(15) All forest products harvested as a result of criminal act and violation and/or all equipment including transport means used in the criminal act and/or the violation as referred to in this article shall be confiscated for the state

D The Law : Ministry of Forestry Decree No. 447/Kpts-II/2003, Administration Directive for the Harvest for Capture and Distribution of Specimen of Wild Plant and Animals	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
111	Specimens of plants or animals involved in the violation of Article 26 paragraph (1), Article 27 paragraph (1), Article 57, Article 59, Article 61, and Article 63, shall be liable for confiscation in accordance with Article 64 paragraph (1) and paragraph (2) of the Government Regulation No. 8/1999.

4.12 SALE OF CONFISCATED SPECIMENS

A Ministry of Forestry Regulation No. P.4/Menhut-II/2010 on Handling of Evidence of Forestry Crime.	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
26	In terms of evidence such perishable items or if stored require high maintenance costs and / or harm, can be taken: a. secured / placed in a special place; b. sold at auction; c. destroyed; or e. reintroduction.

B The Law: Act No. 41/1999 on Forestry	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
79	(1) State's property such as forest products and others which have been either found and/or confiscated due to criminal acts or violations as referred to in Article 78 shall be auctioned for the State. (2) Those officials who deserve because of their efforts to save State Properties as referred to in paragraph (1) shall be given an incentive which will be allocated from proceedings of the auction. (3) Further provision as referred to in paragraph (2) shall be regulated by the Minister.

C Ministry of Forestry Decree No. 447/Kpts-II/2003, Administration Directive for the Harvest or Capture and Distribution of Specimen of Wild Plant and Animals

AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
113	<p>(1) Confiscated specimens referred to in Article 111, for live animals, the Head of Regional Office shall as soon as possible dispose, without affecting the legal process in the judiciary, with the following alternatives:</p> <ul style="list-style-type: none"> a. Transfer to the care facilities, such as zoos, rescue centers, or animal rehabilitation centers; or b. Return to the country of origin, under the expense of Such a country, if they are of imported specimen; or c. Return to the wild habitat; or d. Auctioned, for unprotected species and species not included in Appendix-I; or e. Destroyed (euthanasia), if it is regarded as being dangerous because of diseases or other causes. <p>(2) Confiscated specimens referred to in Article 111 , for live plants, shall as soon as possible dispose, with the following alternatives:</p> <ul style="list-style-type: none"> a. Transfer to the ex situ care facilities, such as Botanical Garden, Educational Institutions, other non-commercial facilities; or b. Return to the country of origin, under the expense of such a country, if they are of imported specimens; or c. Auctioned, for unprotected species and species not included in Appendix-I; or d. Destroyed if it is regarded as being dangerous because of pests and diseases or other causes. <p>(3) Confiscated specimens referred to in Article 111, for dead plant or animal specimens or parts or derivatives thereof, without affecting the specimens as an evidence for judiciary, may be disposed with the following alternatives:</p> <ul style="list-style-type: none"> a. Auctioned, for unprotected species and spec-MS not included in Appendix-I; b. Transfer to the Museums, of Zoology or Botany if the specimens are valuable for scientific and education purposes when collected in the museum; c. Destroyed, if the specimens are of protected species included In Appendix-1 and valueless for scientific and educational purposes.
114	<p>(1) Evidence of violation on the provisions of this decree and other current law and regulation, which was intercepted in the country of destination or country of transit, shall be regarded as belong to the State, and when returned to Indonesia, it shall be used for legal processes (investigation and evidence in the court).</p> <p>(2) The cost for the return of the evidence referred to in paragraph (1) shall be borne by the exporter or by the importer, in accordance with the regulation in the country of destination.</p> <p>(3) The evidence referred to in paragraph (1) for dead specimens, may be:</p> <ul style="list-style-type: none"> a. Auctioned, for unprotected species and not included in Appendix-I; b. Sent to the Museum of Zoology or Botany, if the specimens are valuable for scientific purposes; c. Destroyed, if the specimens are of the protected species included in Appendix-I and valueless in terms of scientific value.
115	The money resulting from the auction referred to in Article 113 paragraph (1) clause d, paragraph (2) clause c and paragraph (3) clause d shall be deposited to the State Treasury.
116	(1) Auctioned specimens referred to in Article 113 paragraph (1) clause d, paragraph (2) clause c, and paragraph (3) clause a, may be exported by reducing the quota of harvest or capture of the following year.

C Section continued	
ARTICLE NO.	PROVISIONS
	<p>(2) The Head of the regional Office shall report to the Director General on all confiscation made referred to in Article 1 12 and on the specimens auctioned, in order to include in the calculation of the following year's quota;</p> <p>(3) Director General, on the basis of the report of the Regional Office, shall increase the quota of harvest or capture of the current year;</p> <p>(4) Director General, in the establishment of the following year's quota shall take into account the auctioned specimens.</p>

4.13 ESTABLISHMENT OF RESCUE CENTER TO LOOK AFTER WELFARE OF LIVE SPECIMEN

A Government Regulation No. 7/1999 on Preservation of Plants and Animals Species.	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
22	<p>(1) Conservation Society has the main function, namely and breeding of plants and animals or rescue while maintaining the purity of its kind.</p> <p>(2) In addition to having the primary function referred to in paragraph (1) Conservation Society also serves as a education, demonstration and research and development of science knowledge.</p> <p>(3) Institute for Conservation can be shaped Zoo, Museum Zoology, Animal Park Special, Special Animal Training Centre, Gardens Botany, Plant Herbarium and Garden Special.</p>
23	<p>(1) Further provisions concerning Conservation Society as referred to in paragraph (1), paragraph (2) and (3) set up by the Minister. 1 In order to perform its functions, Conservation Service can obtain plants and or animals either protected or not protected through:</p> <ol style="list-style-type: none"> capture or captivity of nature; confiscated; exchange; purchase, for the types that are not protected. <p>(2) Further provisions concerning the procedures for obtaining plants and animals for Conservation Institute referred to in paragraph (1) is set by the Minister.</p>

B Ministry of Forestry Decree No. 447/Kpts-II/2003, Administration Directive for the Harvest or Capture and Distribution of Specimen of Wild Plant and Animals	
AGENCY	Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
117	<p>(1) In order to reduce the risks of death of confiscated and or submission from the community of Live animals, in order to fulfil CITES requirement, Director General shall facilitate the development and the building of Rescue Centres in several regions.</p> <p>(2) Rescue Centres referred to in paragraph (1) shall be regarded as transit place and temporary care for confiscated live animals.</p> <p>(3) In order to facilitate the development and the building of Rescue Centres, Director General may cooperate with third party.</p> <p>(4) Provision referred to in paragraph (3) shall be further regulated by Director General.</p>

4.14 COMPENSATION FOR VICTIMS/ REHABILITATION/ COSTS OF REPATRIATION OF SEIZED WILDLIFE

A *Government Regulation of The Republic of Indonesia No. 13/1994 Fauna Hunting*

AGENCY	National Police and Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
43	<p>(1) A holder of a business license for a hunting park which does not rehabilitate the damage as referred to in Article 25 paragraph (1) letter g and or causes damage to a hunting park because of his activities shall be obligated to pay compensation in accordance with the serious and intensity of the damage caused.</p> <p>(2) The compensation as referred to in paragraph (1) shall not abolish a criminal charge against the violation committed pursuant to the prevail in laws.</p>

4.15 ENFORCEMENT POWERS – ENTRY, SEARCH, SEIZURE, ARREST

A *Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem*

AGENCY	National Police and Ministry of Environment and Forestry
ARTICLE NO.	PROVISIONS
39	<p>(1) As stated in the Act number 8 of 1981 concerning Criminal Justice, a designated Civil Servant whose duty is related to the management of conservation of living resources and their ecosystems, in addition to the police investigator of the Republic of Indonesia, is allowed to investigate criminal action regarding conservation of living resources and their ecosystems.</p> <p>(2) The duty and tasks of investigator pertaining to Paragraph (1) is Executed in accordance with the provision on the duty and task of the investigator pertaining to the Act number 5 of 1983 of the Exclusive Economic Zone and Act number 9 of 1985 concerning Fishery.</p> <p>(3) The investigator pertaining to Paragraph (1) is authorized :</p> <ol style="list-style-type: none">to examine and to confirm reports of allegedly criminal activity concerning conservation of living resources and their ecosystems.to investigate persons who have allegedly done criminal action regarding conservation of living resources and their ecosystems.to examine any identification card belonging to persons caught in Sanctuary Reserve and Nature Conservation Area.to search for and confiscate evidence related to criminal action regarding conservation of living resources and their ecosystems.to acquire information and evidence from persons or institutions regarding the criminal action related to conservation of living resources and their ecosystems.to prepare and to sign the record of the investigation.to stop the investigation should there not be enough evidence to prove the criminal case. <p>(4) The investigator pertaining to Paragraph (1) will report the process of examination as well as the result to the Prosecutor through the Police Investigator Official of the Republic of Indonesia, refer to the Act number 8 of 1981 concerning Criminal Justice.</p>

5 KEY PROVISIONS OF OTHER LAWS

5.1 PENAL CODE	
A <i>Criminal Code</i>	
AGENCY	National Police; Attorney General
ARTICLE NO.	PROVISIONS
418	Any official who accepts a gift or promise, knowing or having reason to believe that it is given to him with a view to a power or competence which is related to his office, or which is related to it in the opinion of the person who makes the gift or promise, shall be punished by a maximum imprisonment of six years or a maximum fine of four thousand five hundred rupiah.
419	By a maximum imprisonment of five years shall be punished any public officer: <ol style="list-style-type: none"> 1. who accepts a gift or promise, knowing that it is given to him in order to move him, contrary to his duty, to do or to admit something in his service; 2. who accepts a gift, knowing that it is given to him as a result or on account of what has been done or omitted by him in his service contrary to his duty.

5.2 ANTI-MONEY LAUNDERING	
A <i>Act. No. 8 / 2010 on Prevention and Eradication of Money Laundering</i>	
AGENCY	Financial Transaction Report and Analysis Center (PPATK) is the independent institution of which is established to prevent and to eradicate the crime of Money Laundering.
ARTICLE NO.	PROVISIONS
2	(1) Result of the criminal action shall be the Assets acquired from the criminal actions as follow: <ol style="list-style-type: none"> a. corruption; b. bribery; c. narcotic; d. psychotropic; e. labor smuggling; f. immigrant smuggling; g. criminal action in banking; h. criminal action in capital market; i. criminal action in insurance; j. customs; k. excise; l. human trafficking; m. trade of illegal fire arm; n. terrorism; o. kidnapping; p. burglary; q. embezzlement; r. fraud; s. money counterfeiting; t. gambling; u. prostituting; v. criminal action in taxation;

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>w. criminal action in forestry;</p> <p>x. criminal action in environment;</p> <p>y. criminal action in marine and fishery;</p> <p>z. other criminal actions of which is treated with the imprisonment for 4 (four) years or more. of which is committed in the territory of the Republic of Indonesia and in the outside of the territory of the Republic of Indonesia and such criminal action is the criminal action according to the Indonesian Law.</p> <p>(2) Assets of which are recognized or of which are reasonably alleged to be used and/or directly or indirectly used for the terrorism activity, terrorism organization, or individual terrorism shall be equalized as the result of criminal action as set forth in section (1) point n above.</p>
3	<p>Anyone, who places, transfers, forwards, spends, pays, grants, deposits, takes to the abroad, changes the form, changes to the currency or securities or other deeds towards the Assets of which are recognized or of which are reasonably alleged as the result of criminal action, as set forth in Article 2 section (1) with the purpose to hide or to disguise the origin of Assets, shall be subject to be sentenced due to the criminal action of Money Laundering with the imprisonment for no longer than 20 (twenty) years and fine for no more than IDR 10.000.000.000, 00 (ten billion rupiah).</p>
4	<p>Anyone, who hides, or disguises the origin, source, location, purpose, transfer of right or the truly ownership of the Assets that are known by him or of which are reasonably alleged as the result of criminal action, as set forth in Article 2 section (1), shall be subject to be sentenced due to the criminal action of Money Laundering with the imprisonment for no longer than 20 (twenty) years and fine for no more than IDR 5.000.000.000,00 (five billion rupiah).</p>
5	<p>(1) Anyone, who accepts or who takes the control on placement, transfer, payment, grant, deposit, exchange, or utilizes the Assets of which are known by him or of which are reasonably alleged as the result of the criminal action, as set forth in Article 2 section (1), shall be subject to be sentenced with the imprisonment for no longer than 5 (five) years and fine for no more than Rp1.000.000.000, 00 (one billion rupiah).</p> <p>(2) Provision as set forth in section (1) above shall not be applicable for the Reporter Party who carries out the obligation of report as set forth herein.</p>
7	<p>(1) Primary sentence, which is sentenced to the Corporation, shall be the fine sentence for no more than Rp100.000.000.000, 00 (one hundred billion rupiahs).</p> <p>(2) In addition, other than fine sentence as set forth in section (1) above, against the Corporation shall also be sentenced with additional sentence as follow:</p> <ol style="list-style-type: none"> a. announcement of judge's verdict; b. suspension on the overall or partial business activity of the Corporation; c. revocation of the business license; d. dissolution or restriction of the Corporation; e. Confiscation of the Corporation's assets for the State; and/ or f. Corporation takeover by the State.
8	<p>In the event the convict's Asset is insufficient to pay the fine sentence as set forth in Article 3, Article 4, and Article 5 above, such fine sentence shall be substituted with imprisonment sentence for no longer than 1 (one) year and 4 (four) months.</p>
9	<p>(1) In the event that the Corporation is incapable to pay fine sentence as set forth in Article 7 section (1), such fine sentence shall be substituted with the confiscation of Corporation's Assets or Corporation Control Personnel's Assets whose value is equal to the fine sentence verdict of which is imposed.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	(2) In the event that the selling of the confiscated Corporation's Assets as set forth in section (1) above is insufficient, the imprisonment sentence in lieu fine sentence shall be imposed to the Corporation Control Personnel with considering the paid fine.
12	<p>(1) Directors, commissioners, officials, or the Reporting Party's employee shall be prohibited to notify the User or the other party, either directly or indirectly, in whatsoever manners regarding on the Suspicious Financial Report of which is being prepared or has been submitted to the PPATK.</p> <p>(2) Provision regarding with the prohibition as set forth in section (1) above shall not be applicable for the provision of the information to the Supervisory and Regulatory Agency.</p> <p>(3) Officials or PPATK or Supervisory and Regulatory Agency's employees shall be prohibited to notify the Suspicious Financial Transaction of which will be reported or of which has been reported to PPATK, directly or indirectly in whatsoever manners to the User or other parties.</p> <p>(4) Provision regarding on the prohibition as set forth in section (3) shall not be applicable for the fulfilling of obligation in accordance with this Law.</p> <p>(5) The violation against provisions as set forth in section (1) and section (3) shall be subject to be sentenced with imprisonment sentence for no longer than 5 (five) years and fine sentence for no more than IDR1.000.000.0000, 00 (one billion rupiah).</p>
16	In the event that the officials or PPATK's employees, investigators, prosecuting attorneys, and judges, who are handling the case criminal action of Money Laundering, violating the provision as set forth in Article 83 section (1) and/ or Article 85 section (1), shall be subject to be sentenced with imprisonment sentence for no longer than 10 (ten) years.

5.3 CUSTOMS

A The Law: Act No. 17 of 2006 – Amendments Concerning Customs Law No. 10 of 1995

AGENCY	Directorate General of Customs and Excise
ARTICLE NO.	PROVISIONS
102	<p>Any person who:</p> <p>a. transport import goods which not be contained in manifest as referred to article 7A paragraph (2);</p> <p>b. unloading import goods outside Customs Area or other place without any approval from Head of Customs Official;</p> <p>c. unloading import goods which not be contained in customs declaration as referred to article 7A paragraph (3)</p> <p>d. unloading or storing import goods which still in customs control in other place determined and/or allowed;</p> <p>e. hiding import goods which against the law.</p> <p>f. Releasing import goods which not finished yet from Customs Area or Bonded Storage or other place in under control of Customs control without any permission that result as not fulfilled state collection based on this law;</p> <p>g. Transporting import goods from temporary storage or bonded storage which do not to customs office destination and can not prove that mentioned is out of his ability; or</p> <p>h. Designedly to inform type and/or amount import good in customs declaration by incorrectly shall be penalized for smuggling in import and therefore shall be punished with a minimum imprisonment of one year and a maximum imprisonment of ten years and minimum fine of IDR 50.000,000, 00 (fifty million rupiah) and maximum fine of IDR 5.000.000,000, 00 (five billion rupiah)."</p>

A Section continued

ARTICLE NO.	PROVISIONS
102A	<p>Any person who:</p> <ul style="list-style-type: none"> a. exporting goods without submit customs declaration; b. designedly to inform type and/or amount export goods in customs declaration by incorrectly as referred to article 11A paragraph (1) can resulting not fulfilled of state collection in export fields. c. Loading export goods outside Customs Area without any approval from Head of Customs Office as referred to in article 11A paragraph (3); d. Unloading export goods in Customs Area without any approval from Head of Customs Office, or e. Transporting export goods without protected legal document as according to customs declaration as referred to article 9A paragraph (1) shall be penalized for smuggling in export and therefore shall be punished with a maximum imprisonment 10 (ten) years and a minimum fine of IDR 50.000.000,00 (fifty million rupiah) and maximum fine of IDR 5.000.000.000,00 (five billion rupiah).
102B	<p>Violation as referred to article 102 and article 102A which resulting annoyed of state economic shall be punished with a minimum imprisonment 5 (five) years and a maximum imprisonment 20 (twenty) years and a minimum fine of IDR 5.000.000.000 (five billion rupiah) and a maximum fine of IDR 100.000.000 (one hundred billion rupiah).</p>
102C	<p>In the case of penalized as referred to article 102, 102A and 102B conducted by official and law enforcement officer, penalty which penalized with penalty as referred to penalty threat in this law is added 1/3 (one third).</p>
102D	<p>Anyone who transporting a certain good which not delivered to customs office destination and can not prove that the mentioned is out of his ability shall be punished with a minimum imprisonment 1 (one) year and a maximum imprisonment 5 (five) years and/or a minimum fine of IDR 10.000.000,00 (ten million rupiah) and a maximum fine of IDR 1.000.000.000,00 (one billion rupiah)."</p>
103	<p>Any person who:</p> <ul style="list-style-type: none"> a. produces a false or forged Customs Declaration and/or complementary Customs documents; b. creates, approves, or takes part in adding false data into any book or record; c. give verbal or written information, and uses them for the fulfillment of the Customs Formalities; or d. stores, keeps, possesses, purchases, sells, exchange, obtains, or provides imported goods as the result of the crime as referred to in article 102, shall be punished with a minimum imprisonment of two years and maximum imprisonment of eight years and/or a minimum fine of IDR 100,000,000.00 (one hundred million rupiah) and maximum fine of IDR 5.000,000,000.00 (five billion rupiah)."
108	<ul style="list-style-type: none"> (1) In case where such a punishable crime is committed by virtue of this law or on behalf of a legal Person, firm or corporation, association, foundation or cooperative, a lawsuit shall be directed to and criminal sanction shall be applied to: <ul style="list-style-type: none"> a. the legal Person, firm or corporation, association, foundation or cooperative concerned and/or; b. those who give order to commit the crime or person acting as the leader or someone who neglects any prevention. (2) In case a crime is committed by a person or a group of person who has business or other relation with a legal Person, firm or corporation, association, foundation or cooperative conducted in lieu of such Person, such a crime shall be regarded as committed by such Person. (3) In respect of a criminal charges were conducted with legal entity, the company or company, associations, the foundation or cooperative, in the prosecution represented by staff legally can be asked appropriate kind of legal arrangement concerned.

A Section continued	
ARTICLE NO.	PROVISIONS
	(4) Against legal entity, the company or company, associations, foundation or cooperatives condemnation with an as referred to in this law, basic criminal always be fined of IDR 1.500.000.000,- (one billion five hundred million) if upon these crimes punishable by imprisonment, by not eliminate criminal penalties when over these crimes punishable by imprisonment and criminal penalties.

5.4 EXTRADITION

A The Law: Act No. 1 of 1979 - Extradition

AGENCY	Head of Police; Attorney General
ARTICLE NO.	PROVISIONS
1	In this Law "Extradition" means the Surrender by one State to another state which requests the surrender of a person who is accused or convicted on account of the commission of crime outside the territory of the surrendering state and within the jurisdiction of the territory the state requesting the said surrender based on its right to try and convict the said person.
2	(1) Extradition shall be granted on the basis of a treaty. (2) In the absence of a treaty mentioned in paragraph (1), extradition may be granted on the basis of good relationship and if the interest of the State of the Republic of Indonesia so requires.
3	(1) who's surrender is requested by the competent authorities of a foreign state on account of his being accused of committing a crime or being wanted for the carrying out of sentence or a warrant of arrest. (2) Extradition may also be granted in respect of a person who is accused or convicted on account of abetment, attempt to or conspiracy of committing a crime. mentioned in paragraph (1); in so far as the abetment, attempt and conspiracy is punishable according to the law of tire Republic of Indonesia and to the law the state requesting the extradition.
4	(1) Extradition shall be granted in respect of the crimes mentioned in the list of crimes, which is affixed as an Inseparable text to the Act. (2) Extradition may also be granted at the discretion of the requested state in respect of a crime not mentioned in the list of crimes (3) By Governmental Regulation other kinds of acts, which have been fixed as crimes by law, may be added to the list of crimes, mentioned in paragraph (1).

5.5 TRANSNATIONAL ORGANIZED CRIME

A The Law: Act No. 5 of 2009 About Ratification Of The United Nations Convention Against Transnational Organized Crime

AGENCY	
ARTICLE NO.	PROVISIONS
1	(1) To ratify the United Nations Convention Against Transnational Organized Crime (Reservation) of Article 35 paragraph (2). (2) A copy of the original manuscript of the United Nations Convention Against Transnational Organized Crime (United Nations Convention Against Crime Transnational Organized) with Reservation of Article 35 paragraph (2) in English and translation in Indonesian attached as an integral part of Act

5.6 MUTUAL LEGAL ASSISTANCE TO RECOVER PROCEEDS OF CRIME

A *The Law: Act No. 1 of 2006 on Mutual Legal Assistance in Criminal Matters*

AGENCY	National Police/ Minister of Law and Human Rights /Attorney General
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ARTICLE NO.	PROVISIONS
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3	<p>(1) Mutual legal assistance in criminal matters, hereinafter referred to as Assistance, shall be a request for Assistance in relation with the investigation, prosecution and examination before the court in accordance with domestic laws and regulations of the Requested State.</p> <p>(2) The Assistance as referred to in paragraph (1) may be in the following forms:</p> <ol style="list-style-type: none">identifying and locating persons;obtaining statements or other forms thereof;providing documents or other forms thereof;making arrangements for persons to provide statement or to assist in the investigation;delivering letters;executing the inquiry of search warrant and seizure;the forfeiture of proceeds of crime;the recovery of pecuniary penalties in respect to the crime;the restraining of dealings in property, the freezing of property that may be recovered or confiscated, or that may be needed to satisfy pecuniary penalties imposed, in respect to the crime;locating property that may be recovered, or my by needed to satisfy pecuniary penalties imposed, in respect to the crime, and/orOther assistance in accordance with this Law.
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4	<p>Provisions of this Law do not apply to:</p> <ol style="list-style-type: none">the extradition or surrender of any person;the arrest or detention, with a view to the extradition or surrender of any person;the transfer of persons in custody to serve sentences; orthe transfer of proceedings in criminal matters.
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5	<p>(1) Assistance may be provided based on a Treaty.</p> <p>(2) In the absence of treaty as referred to in paragraph (1), the Assistance may be provided based on good relationship under the reciprocity principles.</p>
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5.7 ANTI-CORRUPTION

A *The Law: Act No.20/2001 on Corruption Eradication*

AGENCY	Anti-Corruption Commission
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ARTICLE NO.	PROVISIONS
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5	<p>(1) punishable with imprisonment of 1 (one) year and 5 (five) years and or a fine of at least IDR 50.000.000 (fifty million rupiah) and maximum IDR 250.000.000 (two hundred and fifty million rupiah) any person who;</p> <ol style="list-style-type: none">gives or promises something to a civil servant or state apparatus with the aim of persuading him/ her to do something or not to do anything because of his/her position in violation of his/her obligation; orgives something to a civil servant or state apparatus because of or in relation to something in violation of his/her obligation whether or not it is done because of his/ her position.
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A Section continued	
ARTICLE NO.	PROVISIONS
	(2) The civil servant or state apparatus who receives the award or promise as referred to in paragraph (1) letter a or b shall be sentenced to the same jail term as that referred to in paragraph (1).
6	<p>(1) punishable with imprisonment of 3 (three) years and 15 (fifteen) years and or a fine of at least IDR 150.000.000 (one hundred and fifteen million rupiah) and maximum IDR 750.000.000 (seven hundred and fifty million rupiah) any person who;</p> <p>a. gives or promises something to a judge with the aim of influencing the decision of the case handed down to him/her for trial; or</p> <p>b. gives or promises something to an individual who according to the legislation is appointed a lawyer to attend a trial session with the aim of influencing the advice or views on the case referred to the court for trial,</p> <p>(2) The judge that receives the award or promise as referred to in paragraph (1) letter a or the lawyer that receives the award or promise as referred to in paragraph (1) letter b, Shall be sentenced to the same jail term as that referred to in paragraph (1).</p>

6 PENALTIES

6.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
1 Act No. 5 /1990 on Conservation of Living Resources and their Ecosystem	40 (1)		IDR 200 million		10
	40 (2)		IDR 100 million		5
	40 (4)		IDR 50 million		1
2 Act No. 41 /1999 on Forestry	Article 78 (5)		IDR 5 billion		10
	Article 78 (11)		IDR 1 billion		3

6.2 PENALTIES UNDER OTHER NATIONAL LAWS

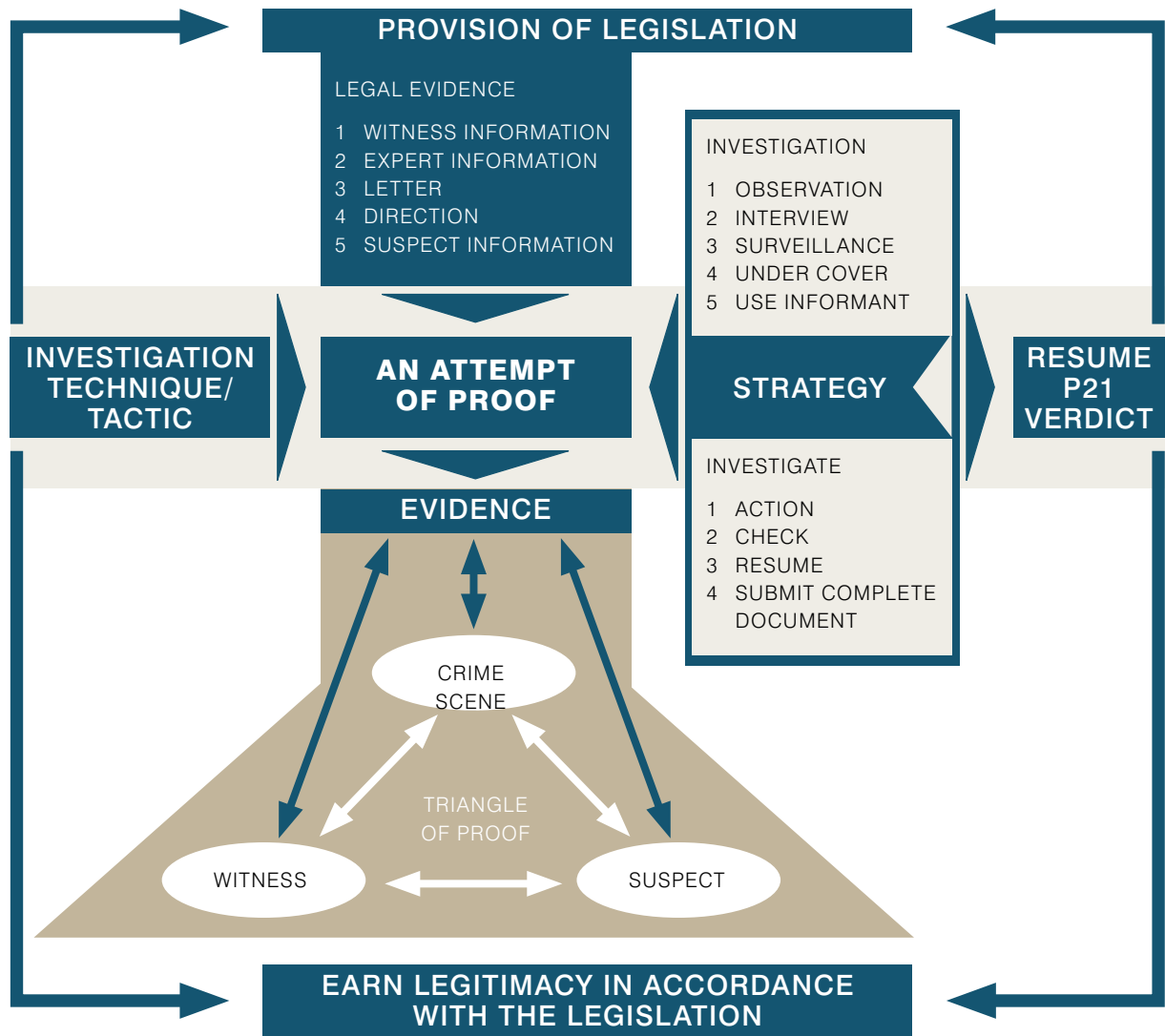
Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
4 Criminal Code	418		IDR 4,500,00		6
	419				5
5 Act. No. 8 / 2010 on Prevention and Eradication of Money Laundering	3		IDR 10 billion		20
	4		IDR 5 billion		20
	5		IDR 1 billion		5
6 Law No. 17 of 2006 – Amendments Concerning Customs Law No. 10 of 1995	102	IDR 50 million	IDR 5 billion	1	10
	103	IDR 100 million	IDR 5 billion	2	8
	108 legal person	IDR 1,5 billion			
7 C. Law No.20/2001 on Corruption Eradication	5	IDR 50 million	IDR 250 million	1	5
	6	IDR 150 million	IDR 750 million	3	15

* In local currency Indonesian Rupiah

** In years unless otherwise stated.

7 ANNEXES

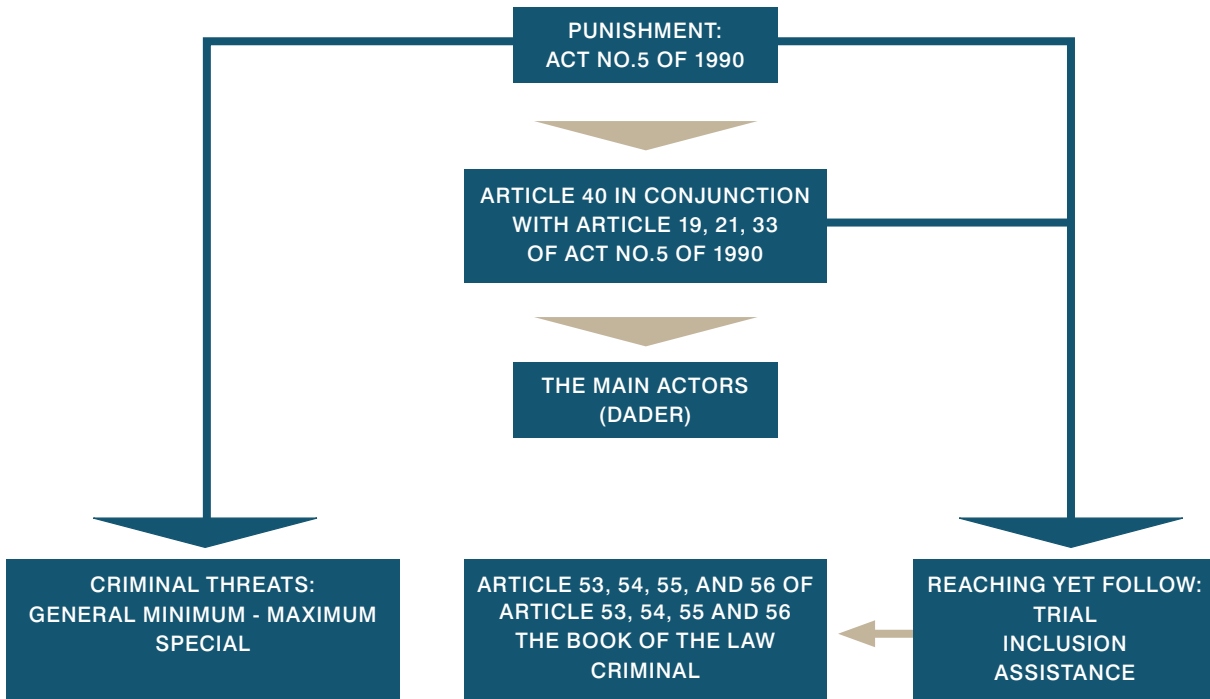
A OVERVIEW OF LAW ENFORCEMENT PROCESS FOR WILDLIFE CRIME INVESTIGATION



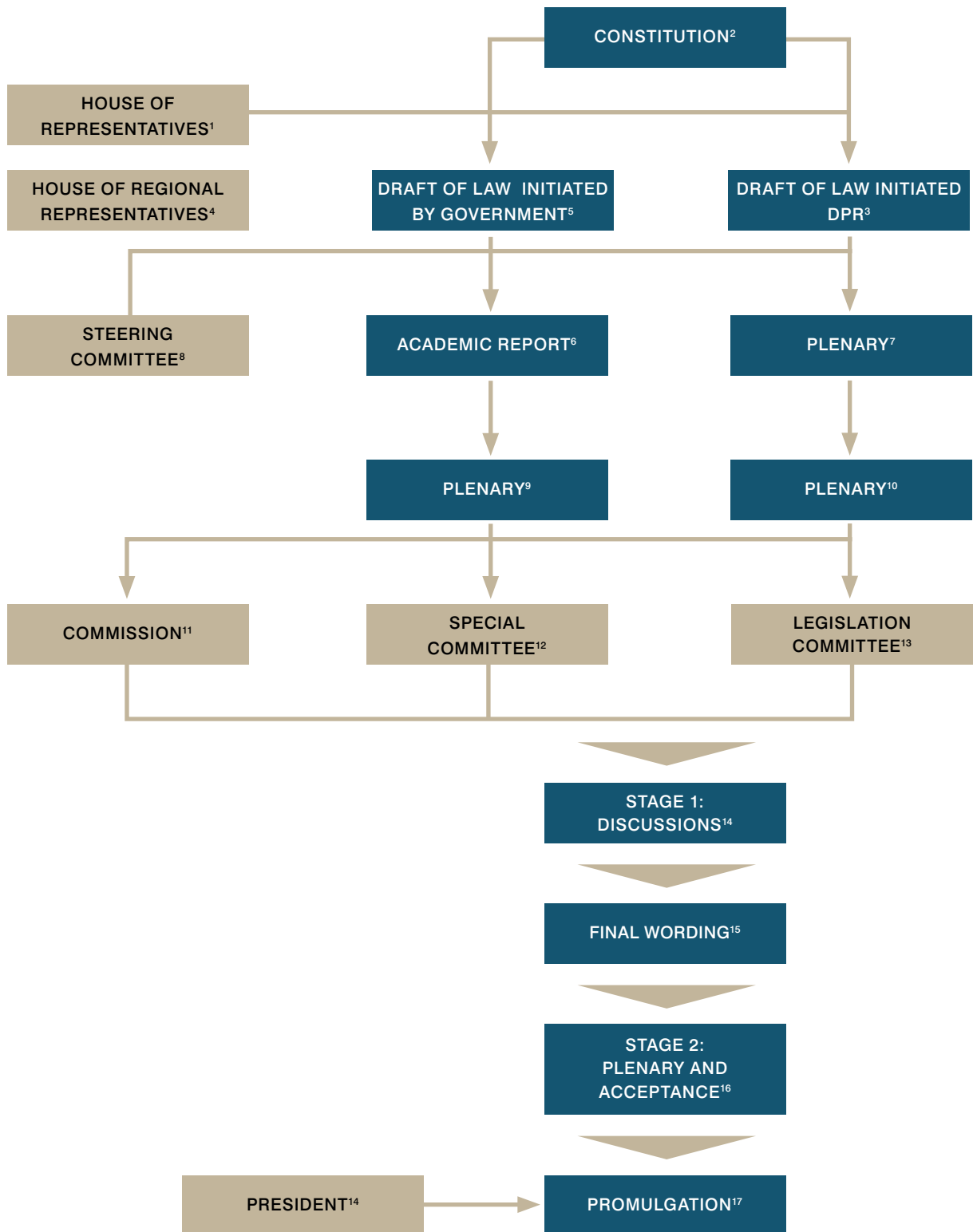
INDONESIA

B OVERVIEW OF LEGAL PROCESS AND PROCEDURE FOR PROSECUTION AND SENTENCING OF WILDLIFE CRIMES, INDONESIA

CURRENT REGULATION LEGISLATION



C OVERVIEW OF LEGISLATIVE PROCESS, INDONESIA



INDONESIA

Footnotes:

- 1 *The House of Representatives (DPR) is the main legislative chamber and comprises of 560 elected members.*
- 2 *Article 20(1) of the Constitution gives the House of Representatives the power to draft laws. Article 22(D) grants House of Regional Representatives power to propose legislation in issues regarding regional autonomy.*
- 3 *This DPR initiative bill can be proposed by DPR members, a DPR Commission or the Legislation Committee*
- 4 *The House of Regional Representatives (DPD) does not have the power to pass, reject or amend draft legislation passed by the DPR but can propose legislation in policy areas regarding regional autonomy. Its role is mostly advisory.*
- 5 *These make up the majority of the bills and are drafted in the relevant Ministry with the State Secretariat*
- 6 *A government bill is passed to the Leadership of the DPR with an Academic Document. This includes a general outline of the bill including its rationale, intentions and evaluation of how to approach the issues it will cause.*
- 7 *At this first Plenary the Steering Committee will hand out the proposed bill to all members and decide on the timing of the next plenary session*
- 8 *The Steering Committee is composed of 10% of the DPR in proportion to the size of each party in the house. Its role is to decide which organ is responsible for discussing the proposed legislation. It also sets the time frame and agenda.*
- 9 *At this Plenary the Steering Committee will hand out the proposed bill to all members and decide on whether the bill should go to a Commission, a Special Committee or the Legislative Committee*
- 10 *At this second Plenary the Steering Committee will decide on whether the bill should go to a Commission, a Special Committee or the Legislative Committee*
- 11 *There are 11 Commissions (also known as standing Committees) in the DPR which cover the full range of government policy areas. They delegate and oversee the deliberation of legislation.*
- 12 *Special Committees are ad-hoc formed usually when a subject matter of a bill concerns more than one of the 11 Commissions. Its size is limited to 30 members.*
- 13 *The Legislation Committee's purpose is to strengthen the quality of legislation produced during deliberation. The Steering Committee can also ask the Legislation Committee to draft a bill; in which case it takes on the same role as a Commission*
- 14 *Stage I takes the form of discussions between the relevant DPR Commission and Government representatives. Discussion revolves around a Register of Issues. This Register lists clauses or sections of the bill where there is differences in opinion. Agreement is reached on each item on the Register until a final draft is decided upon.*
- 15 *Final Wording and details of the bill may be referred to a Synchronisation Team*
- 16 *Stage II is largely ceremonial and is the formal acceptance and passage of the bill through the DPR. If, in the rare occasion, agreement is not made in Stage I, the issue will again be debated in this Plenary.*
- 17 *Promulgation requires the signature of the President. However he/she does not have executive powers and if the bill is not signed in 30 days it will be passed regardless.*
- 18 *SHERLOCK S (2015), One ASEAN: Many Systems. Legislative Procedures of AIPA Member Parliaments. ISBN 978-602-72633-1-4. The flowchart for the legislative process was created based on the information provided in this document.*

D LIST OF NATIONAL LAWS

1. Act No. 5 / 2009 on Ratification of the United Nations Convention Against Transnational Organized Crime
2. Act No. 5/1990 – Concerning Conservation of Living Resources and their Ecosystems
3. Act No. 41/1999 – Forestry Law
4. Act No. 7 / 2006 on Ratification of the United Nations Convention Against Corruption
5. Act No. 20 / 2001 on Corruption Eradication
6. Act No. 5 / 1994 on Endorsement United Nations Convention on Biological Diversity
7. Act No. 5/1992 Concerning Items of Cultural Property (2003)
8. Act No. 11/2010 on Cultural Heritage
9. Act No. 15 /2008 Ratification of the Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN)
10. Act. No. 8 / 2010 on Prevention and Eradication of Money Laundering
11. Act No. 11 /2008 Regarding Electronic Information and Transactions
12. Act No. 18/ 2013 on Preventing and Combating Forest Destruction
13. Act No 31/2004 on Fishery (as amended by Law No. 45/ 2009)
14. Law No.1 /1979 On Extradition
15. Act No. 11 / 2013 on Ratification of Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the convention on biological diversity
16. Regulation of the Minister of Forestry P.19/MENHUT-II/2007 on procedures for issuing work permits and expansion area business utilization of forest wood in timber industry in the forest timber production.
17. Act No. 21 / 2004 on Ratification of Cartagena Protocol on Biosafety to the Convention on Biological Diversity
18. Government Regulation of the Republic of Indonesia No.13/1994 on Hunt Animal
19. Government Regulation No. 7/1999 – Preservation of Plants and Animal Species
20. Government Regulation No.8/1999 – The Utilization of Wild Plants and Animals Species
21. Indonesian Penal Code No.27 Tahun 1999 (19/05/1999)
22. Law on Mutual Legal Assistance in Criminal Matters (Law n.1/2006)
23. Ministry of Forestry Regulation No.P.4/Kpts-II/2010 about Handling of Crime Evidence of Forestry
24. Ministry of Forestry Decree No. 447/Kpts – II/2003 – Concerning Administration Directive of Harvest or Capture and Distribution of the specimens of Wild Plant and Animal Species
25. Presidential Regulation No. 69 / 2014 on International Convention on The Harmonization and Simplification
26. Customs Procedures (As Amended)
27. Presidential Decree No. 43/1978 – Concerning ratification of Convention on International Trade in Endangered Species of Wild Fauna and Flora
28. Presidential Decree No. 130 / 1998 on ASEAN Ratification of Agreement on Customs (ASEAN Agreement in the Field of Customs)
29. Presidential Decree No. 76 / 2002 on Ratification Protocol 8 Sanitary and Phytosanitary Measures To Implement The ASEAN Framework Agreement On The Facilitation Of Goods In Transit
30. Presidential Decree No.26 / 1989 on Ratification Convention Concerning the Protection of the World Cultural and Natural Heritage
31. Peraturan Direktur Jenderal PHKA No. P.11/IV-Set/2014 tentang Pemusnahan Barang Temuan, Sitaan dan Barang Rampasan
32. Regulation of the Minister of Trade 17/M-DAG/PER/2014 Concerning Second Amendment of Regulation of the Minister of Trade number 46/M-DAG/PER/8/2013 Concerning Import and Export Provisions of Animal and Animal Product
33. Regulation of the Minister of Trade 50/M-DAG/PER/9/2013 on Export Controls of Natural Plant and Wildlife are not Protected by law and Including in CITES List
34. Law on Customs No 17 of 2006



NATIONAL LAWS
LAO PDR



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1 EXECUTIVE SUMMARY

WILDLIFE LAWS

Lao PDR has been a member of CITES since 2004. Lao PDR is currently a Category Three country under CITES¹. There are a number of legislation that are relevant to the investigation and prosecution of wildlife crimes in Lao PDR:

1. Wildlife and Aquatic Law No.07/NA, 2007
2. Forestry Law, No.06/NA, 2007
3. Penal Law No.142/PO, 2005

The rights and duties of authorities have been clearly defined and the powers are rather comprehensive in the wildlife laws. There is a clear list of prohibited acts and criminal offences, illegal transit and transshipment are part of the criminal offences, the law penalizes bribery, illegal trade and possession of any wildlife without the required permission.

PENALTIES UNDER WILDLIFE LAWS

The maximum imprisonment term under the Wildlife and Aquatic Law 2007 is 5 years, which meets the threshold under the UNTOC for it to qualify as a serious crime². The prescription of fine is dependent upon the category of offences³. Although the Forestry Law 2007 (which governed forest and forest related products) only prescribe fines and not imprisonment terms, the Penal Law supplements this shortcoming by providing for 1 to 5 years for forest related offences⁴.

INTERNATIONAL COOPERATION AND OTHER LAWS

According to a survey conducted by Transparency International⁵, Lao PDR ranked 145 out of 175 countries and has a score of 25 out of 100. As such it is important that the anti-corruption laws and enforcement are robust enough to improve the record. Thus, it is interesting to note that Lao PDR does have very severe punishments for corruption, including life imprisonment. It is an offence that is listed in the wildlife laws of Lao PDR in addition to the Penal Law. Therefore, enforcement efforts are key.

The newly legislated Law on Anti-Money Laundering and Counter-Financing Terrorism shows much potential as it provides law enforcers with wide civil and criminal powers and a high level of penalties. Wildlife trafficking is also a predicate crime under this law. It can be especially useful in the investigation of transnational organized wildlife crime.

It is noteworthy that Lao PDR has ratified/acceded to the relevant international treaties⁶. Relevant laws have been passed, amended or were already in existence to comply with and complement the respective treaties. Notwithstanding that Lao PDR is not a party to some of the listed conventions, it has laws on the relevant topics. With organized syndicates increasing involvement in wildlife trafficking, Lao PDR shall definitely benefit from inter-agencies and regional cooperation in the fight against transnational and organized wildlife crime.

¹ Category One where its legislation is believed generally to meet all four requirements for effective implementation of CITES; Category Two where its legislation is believed generally to meet one to three of the four requirements for effective implementation of CITES; and Category Three where its legislation is believed generally to not meet any of the four requirements for effective implementation of CITES.

² In accordance with Article 2 of the UNTOC.

³ Article 71, Wildlife and Aquatic Law No.07/NA, 2007

⁴ Articles 139 and 143, Penal Law 2005

⁵ <https://www.transparency.org/country/#LAO>

⁶ See section 2 on International convention, treaties and agreements: relevant laws

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF ACCESSION: 30 MAY 2004</p>
<ul style="list-style-type: none"> a. Wildlife and Aquatic Law No.07/NA, 2007 b. Forestry Law, No.06/NA, 2007 c. Environmental Protection Law No.99/PO, 1999 d. Decree on Implementing the Law on Plant Protection No.229/PM, 2005 e. Decree on Forest Strategy to the Year 2020, Number 229/PM, 2005 f. Penal Law No.142/PO, 2005 g. Decree on the Control of the Movement of Animal and Animal Products, 2012 h. Decree on Sustainable Management of Production Forest Areas, Number 59/2002 i. Decree on Implementation of the Land Law No.88/ PM, 2008 	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF ACCESSION: 26 SEPTEMBER 2003</p>
<ul style="list-style-type: none"> a. Law on Anti-Money Laundering and Counter-Financing of Terrorism, 2015 b. Decree on Anti-Money Laundering, 2006 c. Penal Law No.142/PO, 2005 	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF ACCESSION: 25 SEPTEMBER 2009</p>
<ul style="list-style-type: none"> a. Anti- Corruption Law No.45/PO, 2005 b. Penal Law No.142/ PO, 2005 	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF RATIFICATION: N.A.</p>
<ul style="list-style-type: none"> a. Customs Law No.47/PO, 2005 b. Decree on the Notification and Enquiry of Trade Related Information, Ref: 363/PM, 2012 	
<p>5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995</p>	<p>DATE OF ACCESSION: 2 FEBRUAY 2013</p>
<ul style="list-style-type: none"> a. Minister Decision on the and Operation of Sanitary and Phytosanitary Enquiry Point 1502/MAF, 23 June 2011 b. Law on Hygiene, Disease Prevention and Health Promotion No.13/PO, 2001 c. Law on Food, No.37/PO, 2004 	

<p>6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL</p>	<p>DATE OF ACCESSION: 20 SEPTEMBER 1996</p>
<p>a. Wildlife and Aquatic Law No.07/NA, 2007 b. Forestry Law, No.06/NA, 2007 c. Environmental Protection Law No.99/PO, 1999 d. Decree on Implementing the Law on Plant Protection No.229/PM, 2005 e. Decree on Forest Strategy to the Year 2020, Number 229/PM, 2005 f. Penal Law No.142/PO, 2005 g. Decree on Sustainable Management of Production Forest Areas, Number 59/2002 h. Decree on Implementation of the Land Law No.88/ PM, 2008 i. Decree on the Control of the Movement of Animal and Animal Products, 2012</p>	
<p>7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972</p>	<p>DATE OF ACCESSION: 20 MARCH 1987</p>
<p>a. Law on Nation Heritage, No.138/PDR, 2005 b. Penal Law, No.142/ PO, 2005</p>	
<p>8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2004</p>	<p>DATE OF RATIFICATION: 17 JANUARY 2006</p>
<p>a. Criminal Procedure Law, No.34/PO, 2004</p>	
<p>9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION - THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012</p>	<p>DATE OF RATIFICATION: LAO PDR IS A MEMBER OF THE APG ON MONEY LAUNDERING</p>
<p>a. Law on Anti-Money Laundering and Counter-Financing of Terrorism, 2015 b. Decree on Anti-Money Laundering, 2006 c. Penal Law No.142/PO, 2005</p>	
<p>10 CONVENTION ON CYBERCRIME, BUDAPEST, 1 JULY 2004 (BUDAPEST CONVENTION ON CYBERCRIME)</p>	<p>DATE OF RATIFICATION: N/A</p>
<p>a. Electronic Transaction Law No.20/NA, 2007</p>	
<p>11 BIOLOGICAL AND TOXIN WEAPONS CONVENTION (BWC) 1975</p>	<p>DATE OF RATIFICATION: 20 MARCH 1973</p>
<p>a. Law on Hygiene, Disease Prevention and Health Promotion, No.13/PO, 2001</p>	

3 KEY PROVISIONS OF WILDLIFE LAWS

3.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A <i>Wildlife and Aquatic Law 2007</i>	
AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
6	<p>The basic principles on protection, development and use of wildlife and aquatic are as follows:</p> <ol style="list-style-type: none"> (1) The protection of wildlife and aquatic life is the task of the people as the whole. (2) The management, inspection, development and regeneration of wildlife and aquatic for sustainable use are the significant tasks, with relevancy to biodiversity protection and the balance of the nature ecological system. (3) Sustainable use of wildlife and aquatic, so as not to harmfully impact the natural environment and society. (4) To protect and manage conservation zones for animal species and their habitats and feeding sources so as to maintain the equilibrium of ecological systems. (5) To guarantee the interest of the nation, collectives, household families and individuals in accordance with the laws and regulations. (6) To manage, inspect, protect and use of wildlife and aquatic life in accordance with the international conventions that Lao PDR is a signatory.
7	<p>Individuals and organizations are obligated to partake in conservation, protection, development activities of wildlife and aquatic in accordance with the laws and regulations, and take any necessary measures to prevent adverse impacts on wildlife and aquatic occurring in nature or man made such as: pandemic diseases, hunting, illegal trade, habitat destruction and compromising the feeding resources of animals</p>
25	<p>The protection is to preserve the prohibited, managed and common general categories of wildlife and aquatic in sustainable abundance, it is the protection of the animal's habitats, preservation reservoir, animal's species conservation zone without any devastated. In simultaneously to take any measures in protecting, preventing any devastation from man made and from nature disaster.</p>
52	<p>To prohibit individuals, local organizations and international organizations are in the Lao PDR taking any of the following actions:</p> <ol style="list-style-type: none"> (1) Taking wildlife and aquatic life in the prohibition category list including carcasses, parts and organs of such animals from its habitats or to have it in the possession. (2) Any torment on wildlife and aquatic. (3) Illegal catching, hunting, trading and possession of the wildlife and/or aquatic life without the required permission. (4) Catching aquatic and hunting wildlife in the conservation zones, and in breeding season, or when pregnant or with small calves. (5) To produce, import, sell or use tools or weapons which lead to increased depletion of wildlife and aquatic including: All hunting guns and rifles, explosive devices, chemicals, poisons, electricity, rays or sound wave, etc. (6) Devastation of wildlife conservation zones, reservoir conservation areas, habitats and feeding zones of wildlife and aquatic directly or indirectly such as: Clearing, resettlements, slash and burn, felling, over prescribed using of pesticide or herbicides, and other activities which violated the laws and regulations. (7) Occupation resettlement shifted, changed or damaged the boundary signs of reservoir conservation areas, animal species conservation zones and habitats.

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(8) Husbandry wildlife and aquatic for business purposes in city and community which leading to pollute and contaminate the environment.</p> <p>(9) Import, export, re-export, transshipment, or transit of wildlife and aquatic life with infected diseases, or endangering to animal's health, or import animals in a period of restriction or prohibition confined to the permission granted and laws and regulations.</p> <p>(10) To bribe to staff and officers, and to fake documents and or fake stamps.</p> <p>(11) Threatening, pulling back or obstructing the civil servants in carrying out their tasks dealing with wildlife and aquatic.</p> <p>(12) Any other actions that are in violation of laws and regulations on wildlife and aquatic.</p>
70	<p>Individuals, organizations or enterprises violated the law on wildlife and aquatic and its prohibitions, damaged the worth 200.000 Kip and over, and shall be fined double of the damage committed against wildlife and aquatic. In the case that the violation is a second times or many times of committed offences shall be fined triple of the caused damage to wildlife and aquatic in the prohibition category; double fines for the wildlife and aquatic in the management category, and once time fine for wildlife and aquatic in the common or general category, unlawful earning properties shall be seized to the State.</p>
71	<p>Committed criminal offences on aquatic and wildlife are following:</p> <p>(1) To catch aquatic and to hunt natural wildlife of the prohibition category, which include rare and near extinct animals such as the dolphin, elephant, tiger, rhinoceros, pseudoryx nghe tinhensis, bear, gaur, and kouprey;</p> <p>(2) To use tools or methods of fishing and hunting animals in which cause depletion of aquatic and wildlife;</p> <p>(3) To encroach the habitats and feeding zones of aquatic and wildlife;</p> <p>(4) To steal aquatic a life and wildlife of the prohibited category, carcasses or parts and organs of such animals for trade or to have in possession.</p> <p>(5) To import, export, re-export, tranship and transit aquatic and wildlife unlawfully with regulations;</p> <p>(6) To bribe, falsify or forge documents and stamps.</p> <p>The offenders will be prosecuted and shall be punished by deprivation of liberty for three months to five years of imprisonment it depends on the characteristic of the criminal offences major or minor offences shall be fined according to the article 70 of this law including damages compensation.</p>
141	<p>Any person engaging in hunting that is inconsistent with hunting regulations, such as the hunting of protected species, hunting during a restricted season or in prohibited places or hunting with prohibited tools and others shall be punished by three months to two years of imprisonment and shall be fined as provided by hunting regulations.</p>
142	<p>Any person engaging in fishing [or catching any other aquatic animal] inconsistently with fishing regulations, such as with the use of explosives, poisons, chemicals or other prohibited tools, shall be punished by three months to one year of imprisonment and shall be fined as provided by fishing regulations.</p>
143	<p>Any person exploiting natural resources, such as metals, minerals, precious stones and "non-timber forestry products"⁵² inconsistently with the laws shall be fined from 100,000 Kip to 1,000,000 Kip</p>

B Forestry Law 2007	
AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
45	<p>Business operations in the forest consists of the following main activities:</p> <ol style="list-style-type: none"> 1. Production of tree and NTFP seedlings; 2. Planting trees and NTFPs; 3. Felling planted trees; 4. Logging and harvesting of forest products; 5. Processing of timber and forest products; 6. Distribution of NTFP and forest products; 7. Import and export of timber and forest products; 8. Transportation of timber and forest products; 9. Ecotourism. <p>Individuals, households and organizations with the desire to operate businesses using forest and forest products shall have approval from the forest and forestland management authority and register the enterprise according to the Law on Enterprise.</p>
52	<p>The State promotes the import of tree seeds and crop seeds for supplying production through the policy of exemption or reduction of taxes and duties including the permission of import necessary for timber and forest products according to the regulations.</p> <p>The government is the only authorized body to grant permission for export of natural logs and planted trees of prohibited species, sawn timber, tree stumps and trees. Planted trees that are not listed for prohibition and special species can be exported, however in compliance with the related regulations. Import and export of timber and forest products shall be in accordance to the law and regulations.</p>
53	<p>Transportation of logs and forest products within the country shall be in compliance with the laws and regulations such as: the payment of resource tax and duties, each log must be marked and stamped as "PM" (in Lao alphabet Por Mor), with documents for transport, transporting through pre-determined routes with weight checkpoints, in the right season and time, and declaration at the prescribed checkpoints.</p>

B Penal Law 2005	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
139	<p>Any person engaging in tree-felling or forest-slashing inconsistently with forestry regulations, or who starts a forest fire or destroys any forest through any other means shall be punished by three months to one year of imprisonment and shall be fined as provided by forestry regulations.</p> <p>Where such an offence causes substantial damage, the offender shall be punished by one to five years of imprisonment and shall be fined as provided by forestry regulations.</p>
143	<p>Any person exploiting natural resources, such as metals, minerals, precious stones and "non-timber forestry products" inconsistently with the laws shall be fined from 100,000 Kip to 1,000,000 Kip.</p> <p>Where such an offence causes substantial damage, the offender shall be punished by two to five years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.</p>

3.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT /ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
	<p>The creation of Lao-Wildlife Enforcement Network (or Lao-WEN) was approved in September 2010 by the Minister of Agriculture and Forestry as an output of an Lao PDR interagency enforcement workshop in March 2010.</p> <p>The body was expected to coordinate national enforcement activities to enforce laws to combat wildlife crime in Lao PDR. An Inaugural and Work Plan Meeting was also organized in May 2011 which mapped out strategic steps to combat wildlife crime in Lao PDR. Agency Members: DRFC, Department of Forest Inspection (DOFI), CITES Management and Scientific Authorities, Economic Police, Customs, Lao PDR, Army, Ministry of Justice, Industry & Commerce, State Inspection, Water Resources & Environment Administration (WREA)</p>

3.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY AT LEAST FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY¹ OR BY LAW

A Penal Law 2005

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
8	<p>Offences are divided into three categories:</p> <ul style="list-style-type: none"> • “Minor offences” are offences punished under the law by public criticism or fine; • “Major offences” are offences punished under the law by re-education without deprivation of liberty, and imprisonment from three months to ten years, and fines; [and] • “Crimes” are offences punished under the law by imprisonment from five years up to the death penalty.
139	<p>Any person engaging in tree-felling or forest-slashing inconsistently with forestry regulations, or who starts a forest fire or destroys any forest through any other means shall be punished by three months to one year of imprisonment and shall be fined as provided by forestry regulations.</p> <p>Where such an offence causes substantial damage, the offender shall be punished by one to five years of imprisonment and shall be fined as provided by forestry regulations.</p>
143	<p>Any person exploiting natural resources, such as metals, minerals, precious stones and “non-timber forestry products” inconsistently with the laws shall be fined from 100,000 Kip to 1,000,000 Kip.</p> <p>Where such an offence causes substantial damage, the offender shall be punished by two to five years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.</p>

B Wildlife and Aquatic Law 2007

AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
71	<p>Committed criminal offences on aquatic and wildlife are following:</p> <ol style="list-style-type: none"> (1) To catch aquatic and to hunt natural wildlife of the prohibition category, which include rare and near extinct animals such as the dolphin, elephant, tiger, rhinoceros, pseudoryx nghe tinhensis, bear, gaur, and kouprey; (2) To use tools or methods of fishing and hunting animals in which cause depletion of aquatic and wildlife;

¹ Per definition in UNTOC

B Section continued	
ARTICLE NO.	PROVISIONS
	<p>(3) To encroach the habitats and feeding zones of aquatic and wildlife; To steal aquatic a life and wildlife of the prohibited category, carcasses or parts and organs of such animals for trade or to have in possession.</p> <p>(4) To import, export, re-export, tranship and transit aquatic and wildlife unlawfully with regulations;</p> <p>(5) To bribe, falsify or forge documents and stamps.</p> <p>(6) The offenders will be prosecuted and shall be punished by deprivation of liberty for three months to five years of imprisonment it depends on the characteristic of the criminal offences major or minor offences shall be fined according to the article 70 of this law including damages compensation.</p>

C Forestry Law 2007	
AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
127	Individuals, who violated this law and committed a crime such as: cutting trees or cleared forest not in compliance with the forestry regulations, burned or destroyed forest by any methods, harvesting NTFP not in compliance with laws and regulations, gave the log stamp hammer to someone who does not have authority/responsibility, unauthorized cut, traded or transport natural timber of protected and special species which are close to extinction without permission, suppressing justice procedures on forestry cases, granting an approval of natural forest conversion or issued the permission of unlawful logging shall be subject to criminal sanctions and shall be punished in prison as described in Articles 139 and 143 of the Penal Law, and shall be fined double the value of damaged timber, timber products, including forest resources based on the actual market price.

3.4 PROTECTION OF NON-NATIVE SPECIES

A Environmental Protection Law 2007	
AGENCY	Ministry of Public Security
ARTICLE NO.	PROVISIONS
13	All persons and organisations have an obligation to protect natural resources. Persons or organisations that witness any event that leads to losses of natural resources have an obligation to report the event to the responsible agency for timely protection and handling.
14	Persons or organisations engaging in exploitation, transportation, storage, manufacturing, or use of natural resources shall strictly comply with the laws on land, forestry, water and water resources, mining, and agriculture, as well as other related laws and regulations.
15	<p>Biodiversity (or diversity of biology) means the diversity of the ecosystem, types and species of living creatures, [such as]: plants, animals, insects and micro-organisms which inhabit any part of nature.</p> <p>The Science, Technology and Environment Agency shall issue general regulations and measures on the management of biodiversity.</p> <p>The local administrations, and the concerned line agencies shall allocate biodiversity protection areas, and shall designate protected and Translation Endorsed by the Law Committee of the National Assembly of the Lao PDR unprotected species in order to protect, develop and increase the population of the species in question.</p> <p>Any import and export of any type of species of plants, animals, insects and micro-organisms shall strictly comply with the regulations and measures on the management of biodiversity.</p>

B Wildlife and Aquatic Law 2007	
AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
6	<p>The basic principles on protection, development and use of wildlife and aquatic are as follows</p> <ol style="list-style-type: none"> (1) The protection of wildlife and aquatic life is the task of the people as the whole. (2) The management, inspection, development and regeneration of wildlife and aquatic for sustainable use are the significant tasks, with relevancy to biodiversity protection and the balance of the nature ecological system. (3) Sustainable use of wildlife and aquatic, so as not to harmfully impact the natural environment and society. (4) To protect and manage conservation zones for animal species and their habitats and feeding sources so as to maintain the equilibrium of ecological systems. (5) To guarantee the interest of the nation, collectives, household families and individuals in accordance with the laws and regulations. (6) To manage, inspect, protect and use of wildlife and aquatic life in accordance with the international conventions that Lao PDR is a signatory.
7	<p>Individuals and organizations are obligated to partake in conservation, protection, development activities of wildlife and aquatic in accordance with the laws and regulations, and take any necessary measures to prevent adverse impacts on wildlife and aquatic occurring in nature or man made such as: pandemic diseases, hunting, illegal trade, habitat destruction and compromising the feeding resources of animals.</p>
25	<p>The protection is to preserve the prohibited, managed and common general categories of wildlife and aquatic in sustainable abundance, it is the protection of the animal's habitats, preservation reservoir, animal's species conservation zone without any devastated. In simultaneously to take any measures in protecting, preventing any devastation from man made and from nature disaster.</p>

3.5 CATEGORIES OF WILDLIFE	
A Wildlife and Aquatic Law, 2007	
AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
3	<ol style="list-style-type: none"> (24) Rare wildlife and aquatic life species mean the wildlife and aquatic that, are defined in the first (I) list, as rare and near extinct species. (25) Wildlife and aquatic in management category means the wild animals that require management and are defined in the second (II) list, if management is neglected for preservation in the future, they will become extinct. (26) Common wildlife and aquatic mean the animals that are defined in the third (III) list, which are not classified in to the rare and near extinct categories.
10	<p>Wildlife and aquatic life in the Lao People's Democratic Republic comprises of Mammals, Birds, Reptiles, Amphibians, and Insects.</p> <p>The Wildlife and Aquatic life regulations are divided into three categories:</p> <ol style="list-style-type: none"> (1) Prohibition category wildlife and aquatic (2) Management category wildlife and aquatic (3) Common or general category wildlife and aquatic
11	<p>Wildlife and aquatic Prohibition category are defined in the first (I) category list as rare, near extinct, high value and are of special importance in the development of social-economic, environmental, educational, scientific research.</p>

A Section continued	
AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
	The animals in this category as stated above shall be managed, inspected, preserved. The utilization of these animals shall be permitted by the government.
12	The wildlife and aquatic management category are defined in the second (II) category list and are considered as beneficial in terms of national economic, social, environmental interests, and in addition are important for livelihoods of multi ethnic people and educational scientific research. The animals in this category as stated above shall be managed, inspected, preserved, protected and use will be controlled.
13	The wildlife and aquatic general category are defined in the third (III) category list as wildlife and aquatic that are able to reproduce widely nature, and are very important for social - economic development, and educational scientific research. The animals in this category can be used in accordance with the law and shall guarantee the use not threaten specie numbers or adversely impact the ecological environment system.
22	Classification and listing of wildlife and aquatic is to divide the animals into different categories and different species with the reference to the situation and trend of animal population such as: Endangered species, rare species, and threatened species for their habitats and reproduction. The government considers and approves on changing the prohibition and management category lists of animals by recommendation of the Ministry of Agriculture and Forestry. For the common or general category list of animals, the Ministry of Agriculture and Forestry is also authorized to change the list.

3.6 MECHANISM FOR REVIEW AND UPDATE OF PROTECTED SPECIES LIST

A Wildlife and Aquatic Law 2007	
AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
22	Classification and listing of wildlife and aquatic is to divide the animals into different categories and different species with the reference to the situation and trend of animal population such as: Endangered species, rare species, and threatened species for their habitats and reproduction. The government considers and approves on changing the prohibition and management category lists of animals by recommendation of the Ministry of Agriculture and Forestry. For the common or general category list of animals, the Ministry of Agriculture and Forestry is also authorized to change the list.

3.7 HUNTING OF WILDLIFE

A Wildlife and Aquatic Law 2007	
AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
24	Hunting and catching wildlife and aquatic shall be practiced as follow: (1) The prohibition category of wildlife and aquatic are defined in the first (I) category list is tally not permit for hunting except the following necessary cases such as: for educational research and breeding purposes, but shall require the permission from the government. If the animals capture caused damage to the individual's properties or an organization's properties, the captor shall report the incident to the district authority or municipality to consider and resolve the issue. If an animal is destroying and endangering to human life, such an issue shall be resolved immediately, hereby report to the concerned authorities.

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(2) Wildlife and aquatic are defined on the category (II) list incur restrictions and prohibitions on hunting, except selected animals species in some areas and some seasons as customary hunt or catch will be allowed by using the tools and equipment not cause any harm to the population of animals. The catching or hunting of animals for business purposes can be caught only with the permission from the Ministry of Agriculture and Forestry.</p> <p>(3) Wildlife and aquatic are defined in the common or general category (III) list are allowable for hunting in only specified seasons and by using tools and equipments not harmful to the animals' population. The catching and hunting animals for business purposes require the permission from the agriculture and forestry division of the province or Capital city.</p>

B Penal Law 2005	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
141	Any person engaging in hunting that is inconsistent with hunting regulations, such as the hunting of protected species, hunting during a restricted season or in prohibited places or hunting with prohibited tools and others shall be punished by three months to two years of imprisonment and shall be fined as provided by hunting regulations.
142	Any person engaging in fishing [or catching any other aquatic animal]inconsistently with fishing regulations, such as with the use of explosives, poisons, chemicals or other prohibited tools, shall be punished by three months to one year of imprisonment and shall be fined as provided by fishing regulations.

3.8 CAPTIVITY BREEDING

A Wildlife and Aquatic Law 2007	
AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
24	<p>Hunting and catching wildlife and aquatic shall be practiced as follow:</p> <p>(1) The prohibition category of wildlife and aquatic are defined in the first (I) category list is tally not permit for hunting except the following necessary cases such as: for educational research and breeding purposes, but shall require the permission from the government. If the animals capture caused damage to the individual's properties or an organization's properties, the captor shall report the incident to the district authority or municipality to consider and resolve the issue. If an animal is destroying and endangering to human life, such an issue shall be resolved immediately, hereby report to the concerned authorities.</p>
36	<p>The permission to hold captive wildlife and aquatic requires the following considerations:</p> <p>(1) The wildlife and aquatic in the first (I) category of prohibition list, the government authorizes and permits individuals or organizations to hold wildlife and aquatic for breeding and for business purposes.</p> <p>(2) The wildlife and aquatic in the (second (II) category of management list the Ministry of agriculture and Forestry's authorizes permits individuals or organizations to hold wildlife or aquatic for captive for breeding and business purposes.</p> <p>(3) The wildlife and aquatic in the third (III) category list of common or general the provincials and Capital city's agriculture and forestry division to authorize and to permit individuals or organizations to hold wildlife or aquatic for captive for breeding and for business purposes. The common or general aquatic is allowed to hold in captivity for business purposes in accordance with the law.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
40	<p>(1) Trade in wildlife and aquatic from husbandry activities shall be practiced as follow: The prohibited category of wildlife and aquatic can be traded from the second generation and next generation, the breeding as father and mother from the first generation not allow to trade, they shall be preserved for breeding or released into the nature.</p> <p>(2) The managed category of wildlife and aquatic can be traded since from the first generation and subsequent following generations. The breeding of father and mothers not allow to trade. They shall be preserved for breeding purposes or released back into the nature.</p> <p>(3) The wildlife and aquatic in the common or general category can be traded as prescribed in the laws and regulations.</p>

3.9 ILLEGAL CONSUMPTION AND USE OF PROTECTED WILDLIFE

A Wildlife and Aquatic Law 2007

AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
6	<p>The basic principles on protection, development and use of wildlife and aquatic are as follows:</p> <p>(1) The protection of wildlife and aquatic life is the task of the people as the whole.</p> <p>(2) The management, inspection, development and regeneration of wildlife and aquatic for sustainable use are the significant tasks, with relevancy to biodiversity protection and the balance of the nature ecological system.</p> <p>(3) Sustainable use of wildlife and aquatic, so as not to harmfully impact the natural environment and society.</p> <p>(4) To protect and manage conservation zones for animal species and their habitats and feeding sources so as to maintain the equilibrium of ecological systems.</p> <p>(5) To guarantee the interest of the nation, collectives, household families and individuals in accordance with the laws and regulations.</p> <p>(6) To manage, inspect, protect and use of wildlife and aquatic life in accordance with the international conventions that Lao PDR is a signatory.</p>
7	<p>Individuals and organizations are obligated to partake in conservation, protection, development activities of wildlife and aquatic in accordance with the laws and regulations, and take any necessary measures to prevent adverse impacts on wildlife and aquatic occurring in nature or man made such as: pandemic diseases, hunting, illegal trade, habitat destruction and compromising the feeding resources of animals.</p>
29	<p>The use of wildlife and aquatic divided into four types as follows:</p> <p>(1) Use for public benefit</p> <p>(2) Use for household family purposes</p> <p>(3) Use for customary purposes</p> <p>(4) Use for business</p>
30	<p>The use of wildlife and aquatic for public benefit is to take the wildlife and aquatic to utilize, for example: tourism purposes, zoos, sports, circus, and museums etc, but shall follow the laws and regulations to guarantee sustainable use without any adverse impacts to natural environment and the society.</p> <p>The use of the prohibited wildlife and aquatic category list for public benefit requires permission from the government.</p> <p>The use of the managed wildlife and aquatic category list for public benefit requires permission from the Ministry of Agriculture and Forestry.</p> <p>The use general wildlife and aquatic category list for public benefit requires the permission from the province and Capital city division of agriculture and forestry.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
31	<p>The use of animals for household purposes is to use wildlife and aquatic for medicinal purposes for healing illness, trophy items, and ornamental features etc.</p> <p>Households in the village are able to use wildlife and aquatic in the common and general category list only in a particularly season or in the permitted areas by using tools and equipment which not compromise species populations or adverse impact on natural habitats. The use of wildlife and aquatic in management category list shall follow the regulations from the Ministry of Agriculture and Forestry.</p>
32	<p>The customary use of wildlife and aquatic is to use animals for necessary cultural beliefs such as: Birds releasing, Turtle releasing, Fish releasing etc.</p> <p>The customary uses of wildlife and aquatic in common or general category list shall be practiced within the village in accordance with the rules and regulations.</p>
33	<p>The government allows to wildlife and aquatic for business purpose such as: zoo, farming, import, export, re-export, transshipment, and tourism in the conservation areas and in accordance with the regulations.</p>
35	<p>Permission to operate Businesses from Wildlife and Aquatic Individuals and organizations intend to operate businesses from wildlife and aquatic are required an approval from the agriculture and forestry sector and are required to register such enterprise as prescribed in the enterprise law and the other related laws and are required to practice as following:</p> <ol style="list-style-type: none"> (1) Use of wildlife and aquatic in the prohibition category list require the permission from the government. (2) Use of wildlife and aquatic in the management category list require the permission from the Ministry of Agriculture and Forestry. (3) Use of wildlife and aquatic from the common or general category list requires the permission from provincial and Capital city agriculture and forestry Divisions.
43	<p>The circus show of wildlife and aquatic from the prohibition category are required to have the permission from the government. Wildlife and aquatic listed in the management and common or general categories are required to have permission from the Ministry of Agriculture and Forestry.</p> <p>The operator of circus show is required to have certification of property or rent, or the security contract between the operator and the government or the Ministry of Agriculture and Forestry. A temporary export permission in compliance with the international convention on the trade of endangered species (CITES) of the Ministry of Agriculture and Forestry and certification of animals' health.</p> <p>The rental of wildlife and aquatic life for circus shows abroad, are required to deliver the animals accordance with the contract.</p> <p>In case of the animals are generated such animals are required to be returned along with their mother, father, first generation and successive generations including the parts of animals if they are dead.</p>
B Environmental Protection Law 1999	
AGENCY	Ministry of Public Security
ARTICLE NO.	PROVISIONS
14	<p>Persons or organisations engaging in exploitation, transportation, storage, manufacturing, or use of natural resources shall strictly comply with the laws on land, forestry, water and water resources, mining, and agriculture, as well as other related laws and regulations.</p>

3.10 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE

A Forestry Law 2007

AGENCY Ministry of Agriculture, Forestry and Fisheries

ARTICLE NO. **PROVISIONS**

45 Business operations in the forest consists of the following main activities:

1. Production of tree and NTFP seedlings;
2. Planting trees and NTFPs;
3. Felling planted trees;
4. Logging and harvesting of forest products;
5. Processing of timber and forest products;
6. Distribution of NTFP and forest products;
7. Import and export of timber and forest products;
8. Transportation of timber and forest products;
9. Ecotourism.

Individuals, households and organizations with the desire to operate businesses using forest and forest products shall have approval from the forest and forestland management authority and register the enterprise according to the Law on Enterprise.

52 The State promotes the import of tree seeds and crop seeds for supplying production through the policy of exemption or reduction of taxes and duties including the permission of import necessary for timber and forest products according to the regulations.

The government is the only authorized body to grant permission for export of natural logs and planted trees of prohibited species, sawn timber, tree stumps and trees. Planted trees that are not listed for prohibition and special species can be exported, however in compliance with the related regulations.

Import and export of timber and forest products shall be in accordance to the law and regulations.

53 Transportation of logs and forest products within the country shall be in compliance with the laws and regulations such as: the payment of resource tax and duties, each log must be marked and stamped as "PM" (in Lao alphabet Por Mor), with documents for transport, transporting through pre-determined routes with weight checkpoints, in the right season and time, and declaration at the prescribed checkpoints.

B Wildlife and Aquatic Law 2007

AGENCY Ministry of Agriculture and Forestry

ARTICLE NO. **PROVISIONS**

40 Trade in wildlife and aquatic from husbandry activities shall be practiced as follow:

- (1) The prohibited category of wildlife and aquatic can be traded from the second generation and next generation, the breeding as father and mother from the first generation not allow to trade, they shall be preserved for breeding or released into the nature.
- (2) The managed category of wildlife and aquatic can be traded since from the first generation and subsequent following generations. The breeding of father and mothers not allow to trade. They shall be preserved for breeding purposes or released back into the nature.
- (3) The wildlife and aquatic in the common or general category can be traded as prescribed in the laws and regulations.

41 The transportation of wildlife and aquatic in the prohibition and management categories from one place to another within the country is permissible for transportation on the defined roads and shall declare the documents to officials at the checkpoint which is comprising of

B Section continued

ARTICLE NO.	PROVISIONS
	<p>transportation permission issued by the agriculture and forestry authorities, this also includes information and documentation such as health certification, origin of such wildlife and aquatic, and a completed registration sheet. In the case of trade and transferring or granted the property the involved parties shall obtain the certification as prescribed in the laws and regulations.</p> <p>The transportation of wildlife and aquatic prohibition and management category shall require to operate as follows:</p> <ol style="list-style-type: none">(1) Transportation between villages shall require the permission from the village administration authority by the proposal made by the village forestry unit.(2) Transportation between districts require the permission from the district and municipality agriculture and forestry office by the proposal made by the village administrative authority.(3) Transportation between provinces require the permission from the provincial or Capital city agriculture and forestry division by the proposal made by the district, municipality agriculture and forestry office.(4) Transportation as stated above shall pay obliged fees in accordance with regulations.
42	<p>The Import, export, re-export and transshipment of wildlife and aquatic or parts of them shall follow Article 40 of this law and shall be implemented as follows:</p> <ol style="list-style-type: none">(1) Import of wildlife and aquatic are required to obtain export permission from the concerned agency of the original country, origin of animals and free of disease certification, the contract between the importer and exporter, list and number of animal category that will be imported, and certification of import from the agriculture and forestry authorities.(2) Export of wildlife and aquatic are required to obtain breeding certification, of breeding or feed the origin of the animal, free of disease certification, contract between the importer and exporter, the animal category list and number will be exported, the permission of export from the Ministry of Agriculture and Forestry and the permission from the import the concerned agency of the destination country.(3) Re-export of wildlife and aquatic except the documents as stated in No. 1 of this article, are required to obtain a completed registration sheet, certification of breeding or feed, health certification, list and number of animals that will be re-exported from the Ministry of Agriculture and Forestry, as well as the re-imported, permission from the concerned agency of the destination country.(4) The transshipment of wildlife and aquatic shall declare documents such as: export document and import document from the concerned agency of the original country and destination country, native place certification, health certification, lists category and number of transshipment animals. Transshipment of wildlife and aquatic shall be inspected.(5) Import, export, re-export and transshipment of wildlife and aquatic as stated above shall pay obligated fees in accordance with regulations.
52	<p>To prohibit individuals, local organizations and international organizations are in the Lao PDR taking any of the following actions:</p> <ol style="list-style-type: none">(1) Taking wildlife and aquatic life in the prohibition category list including carcasses, parts and organs of such animals from its habitats or to have it in the possession.(9) Import, export, re-export, transshipment, or transit of wildlife and aquatic life with infected diseases, or endangering to animal's health, or import animals in a period of restriction or prohibition confined to the permission granted and laws and regulations.(12) Any other actions that are in violation of laws and regulations on wildlife and aquatic.

3.11 ILLEGAL POSSESSION OF PROTECTED WILDLIFE

A Wildlife and Aquatic Law 2007

AGENCY Ministry of Agriculture and Forestry

ARTICLE NO. PROVISIONS

36 The permission to hold captive wildlife and aquatic requires the following considerations:

- (1) The wildlife and aquatic in the first (I) category of prohibition list, the government authorizes and permits individuals or organizations to hold wildlife and aquatic for breeding and for business purposes.
- (2) The wildlife and aquatic in the (second (II) category of management list the Ministry of agriculture and Forestry's authorizes permits individuals or organizations to hold wildlife or aquatic for captive for breeding and business purposes.
- (3) The wildlife and aquatic in the third (III) category list of common or general the provincials and Capital city's agriculture and forestry division to authorize and to permit individuals or organizations to hold wildlife or aquatic for captive for breeding and for business purposes. The common or general aquatic is allowed to hold in captivity for business purposes in accordance with the law.

52 To prohibit individuals, local organizations and international organizations are in the Lao PDR taking any of the following actions:

- (1) Taking wildlife and aquatic life in the prohibition category list including carcasses, parts and organs of such animals from its habitats or to have it in the possession.
- (3) Illegal catching, hunting, trading and possession of the wildlife and/or aquatic life without the required permission.

3.12 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A Wildlife and Aquatic Law 2007

AGENCY Ministry of Agriculture and Forestry

ARTICLE NO. PROVISIONS

70 Individuals, organizations or enterprises violated the law on wildlife and aquatic and its prohibitions, damaged the worth 200.000 Kip and over, and shall be fined double of the damage committed against wildlife and aquatic. In the case that the violation is a second times or many times of committed offences shall be fined triple of the caused damage to wildlife and aquatic in the prohibition category; double fines for the wildlife and aquatic in the management category, and once time fine for wildlife and aquatic in the common or general category, unlawful earning properties shall be seized to the State.

B Penal Law 2005

AGENCY Ministry of Justice

ARTICLE NO. PROVISIONS

34 "Confiscation of property" refers to the confiscation by the State of part or all of an offender's property without any compensation.

A sentence of confiscation of property may only be imposed in serious cases as stated in the specific part of this law.

In the event that the confiscation of all of the offender's property is imposed, exception must be made for property necessary for the livelihood of the offender and his family according to the list attached to this law. In the event that partial confiscation of property is imposed, the court must set up a clear list of the property to be confiscated.

"Confiscation of items (connected to the offence)" refers to (the confiscation) by the State of items that were used in the offence or in the preparation for the offence, or that were obtained from an intentional offence.

Items belonging to other individuals used in the offence shall be confiscated by the State if the owner lending them is not in good faith or if confiscation is deemed necessary for national security.

3.13 SALE OF CONFISCATED SPECIMENS

A Penal Law 2005

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
168	Any person who is responsible for the preservation of property or material constituting evidence but who sells, conceals, mortgages, uses, exchanges or loses the evidence or commits any other unlawful act (in respect of such evidence) shall be punished by six months to three years of imprisonment or re-education without deprivation of liberty and shall be fined from 200,000 Kip to 10,000,000 Kip.

3.14 DISPOSAL OF CONFISCATED SPECIMEN

A Decree on the Control of the Movement of Animal and Animal Products

AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
24	Where the importer is unable to claim the animal, animal product or animal related item from where it has been seized and stored under this article within thirty days, the Livestock and Veterinary Management Authority has the right to destroy it.

3.15 COMPENSATION FOR VICTIMS/ REHABILITATION/ COSTS OF REPATRIATION OF SEIZED WILDLIFE

A Wildlife and Aquatic Law 2005

AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
71	The offenders will be prosecuted and shall be punished by deprivation of liberty for three months to five years of imprisonment it depends on the characteristic of the criminal offences major or minor offences shall be fined according to the article 70 of this law including damages compensation.

B Forestry Law 2007

AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
126	Individuals, organizations or enterprises who violated this law and caused damage to the benefits of the State, households and individuals by their misconduct with regard to the forest, shall be liable to pay the compensation equal to the damage caused.

3.16 ENFORCEMENT POWERS – ENTRY, SEARCH, SEIZURE, ARREST

A Wildlife and Aquatic Law 2007

AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
70	Individuals, organizations or enterprises violated the law on wildlife and aquatic and its prohibitions, damaged the worth 200.000 Kip and over, and shall be fined double of the damage committed against wildlife and aquatic. In the case that the violation is a second times or many times of committed offences shall be fined triple of the caused damage to wildlife and aquatic in the prohibition category; double fines for the wildlife and aquatic in the management category, and once time fine for wildlife and aquatic in the common or general category, unlawful earning properties shall be seized to the State.

B Decree on Implementing the Law on Plant Protection

AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
33	(3) To stop the distribution, sale or use of any plant, plant product or regulated article, and seize those items where there is a risk of the spread of a regulated pest or where such items have entered illegally in the territory of Lao PDR;

3.17 ESTABLISHMENT OF CONSERVATION FUND WHERE PROCEEDS FROM SEIZED ASSETS OF WILDLIFE OFFENCES GO TO A DEDICATED FUND, WHICH CAN BE USED BY ENFORCEMENT AGENCIES OF WENS

A Forestry Law 2007

AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
37	To ensure the preservation and development of forest and forest resources effectively, the State establishes the Forest and Forest Resource Development Fund. Sources of the Fund come from the State budget allocation, natural resource utilization projects, contributions from individuals, organizations, collectives, social organizations of local and international agencies and so on.

3.18 ANIMAL WELFARE

A Wildlife and Aquatic Law 2007

AGENCY	Ministry of Agriculture and Forestry
ARTICLE NO.	PROVISIONS
50	The users of wildlife and aquatic have the main obligations as follow: (8) To regularly check animal health and take precautions in the monitoring of an outbreak of disease as advised by the concerned authorities. In such cases, animals infected with a disease shall receive treatment immediately.
52	To prohibit individuals, local organizations and international organizations are in the Lao PDR taking any of the following actions: (2) Any torment on wildlife and aquatic. (9) Import, export, re-export, transshipment, or transit of wildlife and aquatic lifewith infected diseases, or endangering to animal's health, or import animals in a period of restriction or prohibition confined to the permission granted and laws and regulations.

4 KEY PROVISIONS OF OTHER LAWS

4.1 PENAL CODE	
A Penal Law 2005	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
103	Any person committing unlawful trespass of residence through the use of force, threat or forged documents, by impersonating an official or otherwise shall be punished by six months to two years of imprisonment and shall be fined from 300,000 Kip to 1,000,000 Kip.
116	<p>Any person accepting, purchasing, preserving, concealing or selling any State or collective property with the knowledge that such property was acquired by robbery, theft, mugging, swindle, embezzlement or otherwise shall be punished by three months to two years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.</p> <p>Where such an offence is performed as a regular profession, as part of an organised group, or causes substantial damage, the offender shall be punished by one to five years of imprisonment and shall be fined from 1,000,000 Kip to 10,000,000 Kip.</p>
157	<p>Any civil servant claiming, requesting, accepting or agreeing to accept a bribe in exchange for using [the civil servant's] position for the bribing party's interest shall be punished by one to three years of imprisonment and a fine equal to the amount or value of the bribe.</p> <p>Any person bribing or agreeing to bribe a civil servant shall be punished by six months to two years of imprisonment and a fine equal to the amount or value of the bribe.</p> <p>In the event of a substantial bribe, the bribed civil servant, the briber and the person who agrees to give the bribe shall be punished by three to five years of imprisonment and fines equal to twice the amount or value of the</p> <p>Bribe intermediaries shall be punished by six months to two years of imprisonment and fines equal to the amount or value of the bribe.</p> <p>Any person giving bribes under force or threat and who thereafter notifies the authorities shall not be considered an offender on the charge of bribery.</p>
161	<p>Any person forging documents, signatures, or seals, or deleting or adding words to documents shall be punished by three months to two years of imprisonment and shall be fined from 200,000 Kip to 2,000,000 Kip.</p> <p>Any person knowingly using forged documents shall be punished by three months to two years of imprisonment and shall be fined from 200,000 Kip to 2,000,000 Kip.</p> <p>Where the forgery or use of forged documents causes substantial damage, the offender shall be punished by two to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.</p>
174	<p>Any leader, administrative staff, technical staff, staff of a State enterprise, civil servant, soldier, or police officer, including any chief of village or person who is officially authorised to have power, [who breaches his duty] by abusing his status, position or power, or by embezzling, swindling, receiving bribes, misappropriating State or collective property, or abusing his power benefit himself or his family, relatives, friends and associates causing damage to the interest of the State or collectives or to the rights and benefits of citizens shall be punished by:</p> <ol style="list-style-type: none"> (1) Imprisonment from one year to two years and shall be fined one percent (1%) of the value of the damage, (where such damage) is from 1,000,000 Kip to 20,000,000 Kip; (2) Imprisonment from more than two years to four years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 20,000,000 Kip to 50,000,000 Kip;

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(3) Imprisonment from more than four years to six years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 50,000,000 Kip to 100,000,000 Kip;</p> <p>(4) Imprisonment from more than six years to eight years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 100,000,000 Kip to 300,000,000 Kip;</p> <p>(5) Imprisonment from more than eight years to ten years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 300,000,000 Kip to 500,000,000 Kip;</p> <p>(6) Imprisonment from more than ten years to twelve years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 500,000,000 Kip to 600,000,000 Kip;</p> <p>(7) Imprisonment from more than twelve years to fourteen years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 600,000,000 Kip to 700,000,000 Kip;</p> <p>(8) Imprisonment from more than fourteen years to sixteen years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 700,000,000 Kip to 800,000,000 Kip;</p> <p>(9) Imprisonment from more than sixteen years to eighteen years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 800,000,000 Kip to 1,000,000,000 Kip;</p> <p>(10) Imprisonment from more than eighteen years to twenty years and shall be fined one percent (1%) of the damage, [where such damage] is from more than 1,000,000,000 Kip to 2,000,000,000 Kip;</p> <p>(11) Life imprisonment and shall be fined one percent (1%) of the damage, [where such damage] is from more than 2,000,000,000 Kip.</p> <p>The assets and interests derived from corruption shall be seized by the State or returned to the organisation, individual or legal entity who is the rightful owner of such assets.</p>

4.2 ANTI-MONEY LAUNDERING

A Penal Law 2005	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
8	28. Environmental crimes meant an offence that cause great damage to the environment such as illicit traffic of protected wildlife and aquatic animals, unlawful exploitation of natural resources, destruction of forests, destruction of crops, illegal hunting, illegal fishing.
64	<p>Any person conducting activities in order to convert money or items derived from corruption, drug trafficking, human trafficking, trade in weapons of war or other offences into legal money by depositing them in banks, buying land, buying houses, lending to other persons or other means shall be considered as having engaged in money laundering, and shall be punished by one year to three years of imprisonment and shall be fined one third of the laundered amount.</p> <p>Any preparation or attempt to commit such an offence shall also be punished.</p> <p>Accomplices in money laundering shall be punished by six months to two years of imprisonment and shall be fined 1 percent of the laundered amount.</p>

B Decree on Anti-Money Laundering 2006	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
Annex 1	<p>Criminal offences which are considered as serious offences for money laundering are as follows:</p> <ul style="list-style-type: none"> • Terrorism; • Financing of terrorism ; • Human trafficking and smuggling; • Sexual exploitation; • Human export or illegal migration; • Production, sales and possession narcotic drugs;

B Section continued	
ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none"> • Illicit arms and dynamite trafficking; • Concealment and trafficking of peoples' property; • Corruption; • Receipt and giving bribes; • Swindling; • Embezzlement; • Robbery; • Property stealing and seizing; • Counterfeiting and using counterfeit money; • Murder, grievous bodily injury; • Illegal apprehension and detention; • Violation of state tax rules and regulations; • Extortion; • Check forgery, illicit usage false checks or bonds and other financial instruments; • And any other crimes in respect of which a penalty may sentence to prison for a period of one year or more.

C Law on Anti-Money Laundering and Counter-Financing Terrorism 2015	
AGENCY	Ministry of Economics and Finance
ARTICLE NO.	PROVISIONS
2	<p>Money laundering is the transformation, utilisation, displacement, exchange, acquisition, possession, transfer of true ownership of funds or other properties of an natural person, legal person or organisation that knows, knew or suspects that the properties are derived from the predicate offences to conceal or disguise their characteristics, origin, and location. This is aimed at legalising the funds or properties.</p>
6	<p>Actions of money laundering are as follows:</p> <ol style="list-style-type: none"> (1) Conversion, transfer of funds or properties with an aim of concealing or disguising the proceeds of crime, giving assistance to predicate offenders to avoid the legal consequences e.g. the prosecution; (2) Conceal or disguise origin, location, transfer, possession, movement or ownership of rights to the funds or properties; (3) Acquisition, possession, use of funds or properties derived from predicate offences such as illicit loan release or other properties, use of illicit funds and properties in direct investment; (4) Involvement in conspiracy, attempts or aid, promotion, facilitation or giving advice on offences as defined in subparagraph 1, 2 and 3 above. <p>In addition to the above, money laundering is demonstrated as follows:</p> <ol style="list-style-type: none"> (1) Acknowledgement with intent of committing money laundering based on objective causes; (2) An act or evidence not necessarily judged by the court as a predicate act to prove the funds or properties derived from the offence. In addition to criminal cases against violators who launder money, there must criminal cases brought against the original violator, as well.
8 (1)	<p>Predicate offences are all criminal offences which are the cause of money laundering including offences committed outside the territory of the Lao PDR that cause proceeds of crime. These include frauds, robbery or theft, murder and grievous bodily injury, kid napping, illegal restraint and hostage-taking, illicit trafficking in stolen and other goods, counterfeiting currency, forgery, counterfeiting and piracy of products, corruption and bribery, sexual exploitation including sexual exploitation of child, trafficking human being and migrant smuggling, illicit trafficking in narcotic drugs and psychotropic substances, illicit trafficking of war arms and explosives, participation in an organized criminal group and racketeering, terrorism including financing of terrorism, environmental crime, tax crimes, insider trading and market manipulation, smuggling (including in relation to customs), extortion, piracy and others.</p>

C Section continued	
ARTICLE NO.	PROVISIONS
39	<p>Freeze without advance warning</p> <p>Competent authorities have right to freeze funds or properties related financing of terrorism without advance warning to the beneficiary of the funds or properties to prevent transfer or further delivery to terrorist.</p>
40	<p>Seizure, Freeze of funds or properties of terrorists</p> <p>The funds or properties of persons and entities including terrorists, groups of terrorism financiers and international terrorist organisations stipulated in resolutions S/RES/1267 (1999), S/RES/1373 (2001) and its successors of the UN Security Council shall be seized and freeze without delay.</p> <p>The procedures of the implementation of seizure, freeze of funds or properties of terrorists must follow specific legislation.</p>
41	<p>Confiscation of funds or properties</p> <p>In case there is enough evidence for the funds or properties to be involved in predicate offences, money laundering, financing of terrorism and each offence, the court shall pass a decision for the confiscation of funds or properties as follows:</p> <ol style="list-style-type: none"> 1. funds or properties derived from predicate offences including properties gained from investment or from exchange or value of the properties related to the activities; 2. funds or properties to be used in committing the offence; 3. funds or properties and other benefits which are income from funds or properties of criminal actions; 4. financial instruments related to offences; 5. funds or properties defined in subparagraph 1 and 4 whose rights to ownership are transferred to a natural person, except the court views that the owner of the funds or properties acquire them from the transactions legally or are granted their ownership legally. <p>The court decision ordering the confiscation must point out the nature, quantity, value and other necessary details of the funds or properties.</p>
66	<p>Criminal measures for the offence of Money Laundering</p> <p>Any natural person who commits a money laundering offence:</p> <ol style="list-style-type: none"> 1. Below the amount of 1,000,000,000 Kip will be punished by detention from three to seven years and will be fined with 300,000,000 Kip up to 500,000,000 Kip and the properties will be confiscated. 2. From 1,000,000,000 Kip will be punished by detention from seven to ten years and will be fined with 500,000,000 Kip up to 700,000,000 Kip and the properties will be confiscated. <p>In the case of organized group or habitual offender, offenders will be punished by detention from ten to twelve years and shall be fined with 700,000,000 Kip up to 900,000,000 Kip and the properties will be confiscated.</p> <p>The act of preparation and attempting to commit offence shall also be penalized.</p>
69	<p>Criminal measures for the offence of participation in an organized criminal group and racketeering</p> <p>Any natural person who commits an offence by participation in an organized criminal group and racketeering will be punished to imprisonment of three to six years and will be fined of 30,000,000 Kip up to 60,000,000 Kip and the properties will be confiscated.</p> <p>The act of preparation and attempting to commit offence shall also be penalized.</p>
71	<p>Criminal measures for the offence of environmental crime</p> <p>Any natural person who commits the offence of environmental crime will be punished according to the severity of the case as defined in Penal Law and other law that defined criminal penalties.</p>

4.3 CUSTOMS

A Customs Law 2005

AGENCY	Ministry of Finance
ARTICLE NO.	PROVISIONS
51	<p>Minor offences at the first degree are as follows:</p> <ol style="list-style-type: none"> (1) Intentionally providing inaccurate and incomplete detailed information and this does not impact on the assessment of customs duties and other obligations; (2) Concealing or refusing to provide necessary documents to customs officers as provided under Article 76 of this law; (3) Disturbing (or) hindering customs officers in the performance of their duties (4) Other offences not classified under other degrees; (5) Intentionally declaring an incorrect name for the person sending the goods at the point of departure and⁴⁵ (intentionally declaring an incorrect) name of the actual receiver of the goods at the point of destination and this does not impact on the assessment of customs duties and other obligations; (6) Importing (or) exporting goods into or out of the Lao PDR through a (border customs) checkpoint that is not in accordance with that stipulated in the license. <p>Any person who has committed a minor offence at the first degree shall be fined from 150,000 KIP to 5,000,000 KIP.</p>
52	<p>Minor offences at the second degree are as follows:</p> <ol style="list-style-type: none"> (1) Committing a minor offence at the first degree which is a second violation; (2) Intentionally providing inaccurate information which has an impact on the assessment of customs duties and other obligations, such as: goods classification, origin of goods, customs (and) tax rates, declared value of goods for customs and other information that has an impact on the assessment of customs duties and other obligations; (3) Declaring an incorrect number of boxes of goods or combining many units (of goods or) many types of goods into one unit or one type of goods and thereafter submitting to the customs officers intentionally in order to evade customs duties and other obligations; (4) Intentionally declaring an incorrect number of boxes of goods that are under the Customs duties suspension regime, Customs duties reduction and Customs duties exemption; (5) Importing goods that have not been authorised by the relevant sectors; (6) Decreasing or increasing the number of goods and failing to declare the quantity of goods in (bonded) warehouses; (7) Violating the regime for temporary import or export of goods; (8) Intentionally declaring an incorrect name for the person sending the goods at the point of departure and (intentionally declaring an incorrect) name of the actual receiver of the goods at the point of destination in order to evade customs duties and other obligations; (9) Providing incorrect information in order to obtain Customs duties exemption; (10) Using vehicles or goods imported under the temporary [importation] regime or under Customs duties exemption or reduction inconsistently with their purposes or violating the temporary importation regime. <p>Any person who has committed a minor offence at the second degree shall be considered as a person who evades (and) conceals in order to reduce or avoid payment of customs duties and other obligations and must fully pay customs duties and other obligations in accordance with laws and regulations together with a fine equal to one time the amount of customs duties and other obligations which have been avoided [or] concealed.</p> <p>Goods and materials used for concealing, and vehicles used in the offence, which have been seized and are not restricted [goods] shall be returned to the owner after full payment of all customs duties, other obligations and fines.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
53	<p>Minor offences at the third degree are as follows:</p> <ol style="list-style-type: none"> (1) Committing a minor offence at the second degree which is a second violation; (2) Importing or exporting non-restricted goods into or out of the Lao PDR with the intention to avoid customs duties; (3) Concealing goods through the use of vehicles or materials in order to avoid customs duties; (4) Retaining, storing or possessing non-restricted and non-prohibited goods exceeding the amount needed for family use according to prescribed regulations without authorisation or without documents certifying compliance with laws. <p>Any person who has committed a minor offence at the third degree shall be considered to be an evader of customs duties and must fully pay customs duties and other obligations in accordance with the laws and regulations and pay a fine equal to two times the amount of customs duties and other obligations which have been evaded; if a (minor) offence at the third degree is committed for the second time, the penalty shall be three times.</p> <p>Goods and materials used for concealing, and vehicles used in the offence, which have been seized and are not restricted or prohibited [goods] shall be returned to the owner after full payment of all customs duties, other obligations and fines.</p>
54	<p>Serious offences at the first degree are the import or export, movement or possession of restricted goods without proper authorisation.</p> <p>Any person who has committed a serious offence at the first degree for the first time shall be subject to a fine equal to one time the customs duties and other obligations. All such goods shall be transferred to the State.</p>
55	<p>Serious offences at the second degree are the import or export, movement or possession of restricted goods without proper authorisation which is a second violation.</p> <p>Any person who has committed a serious offence at the second degree shall be subject to a court claim by the Customs Authority and to a fine of two times the customs duties and obligations. All such goods, and materials and vehicles used in committing the offence, shall be transferred to the State.</p>
56	<p>Serious offences at the third degree are the smuggling, evasion (and) concealment, import or export, (and) movement or possession of restricted goods which is a third violation.</p> <p>Any person who has committed a serious offence at the third degree shall be subject to a court claim by the Customs Authority and to a fine of three times the customs duties and obligations. All such goods, and materials and vehicles used in committing the offence, shall be transferred to the State.</p>
B Penal Law 2005	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
145	<p>Any person selling any prohibited goods shall be punished by three months to two years of imprisonment and shall be fined as provided by customs regulations.</p>

4.4 ANTI-CORRUPTION

A Penal Law 2005

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
157	<p>Any civil servant claiming, requesting, accepting or agreeing to accept a bribe in exchange for using (the civil servant's) position for the bribing party's interest shall be punished by one to three years of imprisonment and a fine equal to the amount or value of the bribe.</p> <p>Any person bribing or agreeing to bribe a civil servant shall be punished by six months to two years of imprisonment and a fine equal to the amount or value of the bribe.</p> <p>In the event of a substantial bribe, the bribed civil servant, the briber and the person who agrees to give the bribe shall be punished by three to five years of imprisonment and fines equal to twice the amount or value of the bribe.</p> <p>Bribe intermediaries shall be punished by six months to two years of imprisonment and fines equal to the amount or value of the bribe.</p> <p>Any person giving bribes under force or threat and who thereafter notifies the authorities shall not be considered an offender on the charge of bribery.</p>
174	<p>Any leader, administrative staff, technical staff, staff of a State enterprise, civil servant, soldier, or police officer, including any chief of village or person who is officially authorised to have power, (who breaches his duty) by abusing his status, position or power, or by embezzling, swindling, receiving bribes, misappropriating State or collective property, or abusing his power benefit himself or his family, relatives, friends and associates causing damage to the interest of the State or collectives or to the rights and benefits of citizens shall be punished by:</p> <ol style="list-style-type: none"> (1) Imprisonment from one year to two years and shall be fined one percent (1%) of the value of the damage, (where such damage) is from 1,000,000 Kip to 20,000,000 Kip; (2) Imprisonment from more than two years to four years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 20,000,000 Kip to 50,000,000 Kip; (3) Imprisonment from more than four years to six years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 50,000,000 Kip to 100,000,000 Kip; (4) Imprisonment from more than six years to eight years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 100,000,000 Kip to 300,000,000 Kip; (5) Imprisonment from more than eight years to ten years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 300,000,000 Kip to 500,000,000 Kip; (6) Imprisonment from more than ten years to twelve years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 500,000,000 Kip to 600,000,000 Kip; (7) Imprisonment from more than twelve years to fourteen years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 600,000,000 Kip to 700,000,000 Kip; (8) Imprisonment from more than fourteen years to sixteen years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 700,000,000 Kip to 800,000,000 Kip; (9) Imprisonment from more than sixteen years to eighteen years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 800,000,000 Kip to 1,000,000,000 Kip; (10) Imprisonment from more than eighteen years to twenty years and shall be fined one percent (1%) of the damage, (where such damage) is from more than 1,000,000,000 Kip to 2,000,000,000 Kip; (11) Life imprisonment and shall be fined one percent (1%) of the damage, (where such damage) is from more than 2,000,000,000 Kip. <p>The assets and interests derived from corruption shall be seized by the State or returned to the organisation, individual or legal entity who is the rightful owner of such assets.</p>

B Anti-Corruption Law 2005

AGENCY	Ministry of Public Security
ARTICLE NO.	PROVISIONS
25	<p>It is prohibited for a person with position, power and duty to commit any of the following acts:</p> <ol style="list-style-type: none">(1) To receive money, material items, or other benefits from any individual or organisation that relates to his functions which causes damage to the interests of the State and society, or the rights and interests of citizens;(2) To cause difficulty, hold back, delay, or interfere in dealing with any activity;(3) To open bank accounts outside the Lao PDR without informing the concerned authority;(4) To act as a consultant to private enterprises in relation to his decision-making power for personal benefit;(5) To act as a broker to individuals or organisations for personal benefit; for instance, by lobbying in legal proceedings, or for projects or quotas;(6) To use his position to borrow the money of any collective that is under his responsibility for other persons, or to provide any guarantee to other persons to borrow money from the banks;(7) To recruit, post, or appoint one's own wife, husband, children or close relatives in leading positions in those functions under his responsibility that would create conditions for corruption, [such as positions] in organisational and control activities, finance and accounting, treasury functions, warehouse keeping, procurement, and contracting;(8) To incorrectly possess or use any house or land belonging to the State or collectives in order to benefit himself or his family, relatives, group, or clan;(9) To disclose any State or administrative secret(10) To use money or property of the State or the collectives to organise parties, to use as gifts or to allocate to staff or other persons in contravention of laws and regulations;(11) To suppress, threaten, or obstruct any person who brings a claim, or provides feedback, including [a person] who provides negative information to concerned persons;(12) To refer to the reputation, position, power, and duty of a higher authority or other person for personal benefit. <p>Any government official who infringes any of the above-mentioned prohibitions will be subject to re-education and disciplinary (measures); and if the infringement constitutes an offence, [the offender] shall be punished as provided in the laws and shall pay compensation for the damage he has caused.</p>
45	<p>Measures against Violators</p> <p>Any individual or organisation that violates this law, and thereby causes damage to the interests of the State and society or the rights and interests of citizens, shall be subject to educational or disciplinary measures as provided in Articles 32 and 33 of this law or to penal measures depending on the gravity of the offence, including (having to pay) compensation for the damage caused by such person.</p>
46	<p>Penal Measures</p> <p>Any government staff who commits an act stipulated in Article 10 of this law that constitutes a serious offence shall be subject to penal measures.</p> <p>Embezzlement, swindling of State property or collective property, taking bribes, abuse of position, power, and duty, abuse of State property or collective property, excessive use of position, power, and duty, forging documents and using forged documents shall be punished as provided in the Penal Law.</p>
51	<p>Civil Measures</p> <p>In addition to penal measures, the government staff who commits an offence relating to corruption as provided in Article 10 of this law, that causes damage to the interests of the State and society, or the rights and interests of citizens, shall pay compensation for damages in full and all of the assets acquired from the offence shall be confiscated.</p>

4.5 MUTUAL LEGAL ASSISTANCE TO RECOVER PROCEEDS OF CRIME

A Law on Anti-Money Laundering and Counter Financing of Terrorism 2015

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
44	<p>Mutual Legal Assistances aimed at the requests, co-operate for investigation, seizure and freeze funds or properties of the accused, defendant, offenders, use of other measures of Law, extradition, request for additional information and evidence related to offences. The mechanism and procedures of Mutual Legal Assistance follows the related laws of the Lao PDR.</p>
45	<p>Request for Mutual Legal Assistance shall include the following items:</p> <ol style="list-style-type: none">(1) Official letter from the relevant authority of requesting state;(2) Name and surname, position of the official of requesting state who is in charge of conducting the investigation, engaged in, prosecution or proceedings(3) Name and surname, position of the official of requested state who is in charge of conducting the investigation, engaged in a lawsuit in court against, or considering the case;(4) The purpose and the reasons of the request;(5) The facts in support of the request;(6) Any known details that may facilitate identification of the person concerned, in particular name and surname, marital status, nationality, address and location, occupation and other necessary details;(7) Any important information necessary for identifying and tracing the natural persons, funds or properties, taking provisional measures, according to the request;(8) Legislative reference towards offences of the accused and the suspect. <p>In addition, Mutual Legal Assistance must observe the content of each case as follows:</p> <ol style="list-style-type: none">(1) In the case of requests for provisional measures, a description of the requested measures sought(2) In the case of requests for the issuance of a seizure order or confiscation order, a statement of the relevant facts, disputes and arguments to enable the competent authorities to issuing the order; <p>In the case of a request for the enforcement of an order relating to seize or freeze the following:</p> <ol style="list-style-type: none">(1) A certified copy of the order, and a statement of the grounds for issuing the order if they are not indicated in the order itself;(2) The order is enforceable and not subject to ordinary means of appeal;(3) Where necessary and if possible, any documents and information concerning third- party rights of claim on the funds or property. <p>In the case of requests for extradition, if the natural person has been convicted of an offence, the original or a certified copy of the judgment or any other document setting out the conviction and the sentence imposed, the fact that the sentence is enforceable and the extent to which the sentence remains to be served, can be provided according to the request.</p>

5 PENALTIES

5.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME						
Law and relevant provisions	Article No.	Min	Fine*		Imprisonment**	
				Max	Min	Max
Wildlife and Aquatic Law 2007	71	n.a.	Double of the damage committed. If the violation is a second times or many times of committed offences: -triple of the caused damage to wildlife and aquatic in the prohibition category; -double fines for the wildlife and aquatic in the management category; -once time fine for wildlife and aquatic in the common or general category.		3 months	5
Forestry Law 2007	125	n.a.	The equivalent of the value of damaged timber, timber products, including forest resources based on the actual market price; Double the value of damaged timber, timber products, including forest resources based on the actual market price (In the case of a second or habitual violation)		n.a.	n.a.
	127	n.a.	Double the value of damaged timber, timber products, including forest resources based on the actual market price		n.a.	n.a.
Penal Law 2005	139	n.a.	n.a.		3 months	1
	141	n.a.	n.a.		3 months	2
	142	n.a.	n.a.		3 months	1
	143	1 million Kip	5 million Kip		2	5

* In local currency Kip.

** In years unless otherwise stated.

5.2 PENALTIES UNDER OTHER NATIONAL LAWS

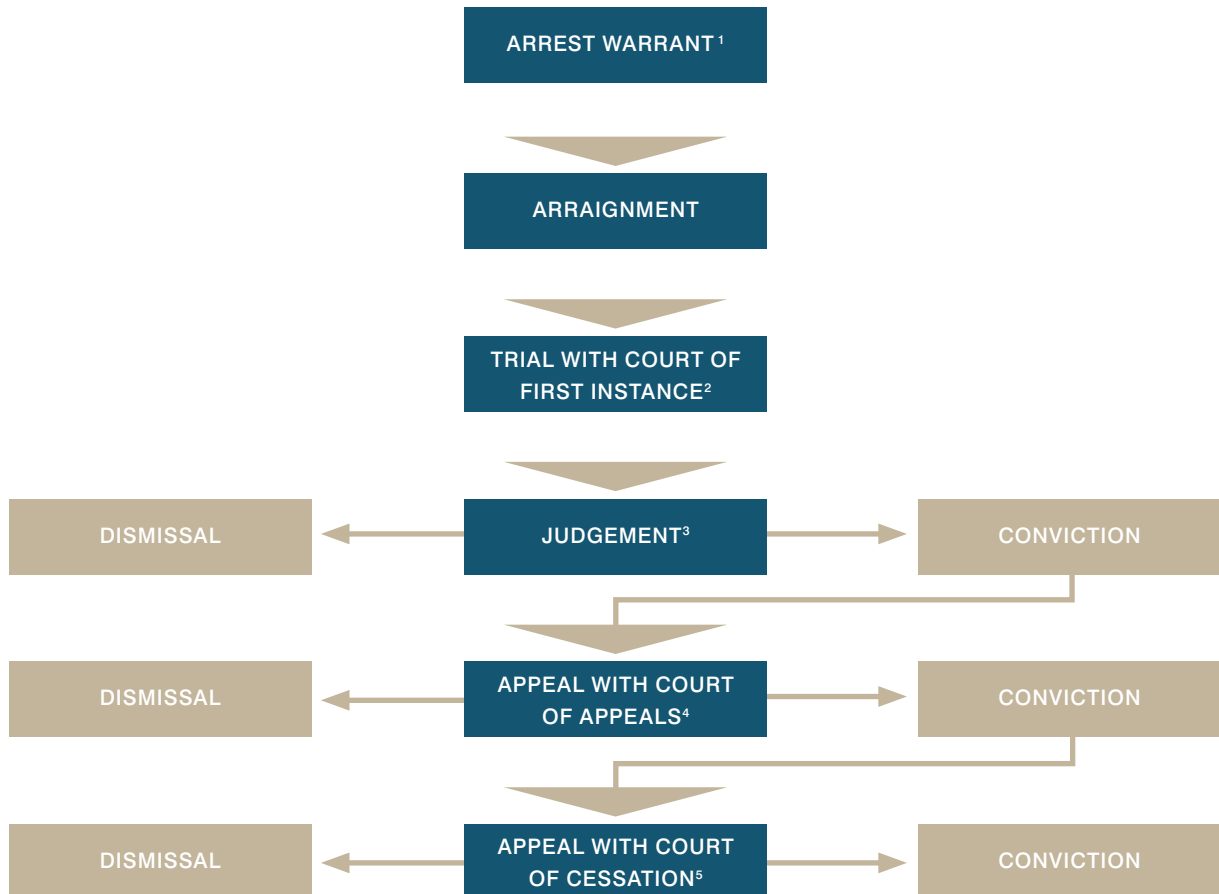
Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Customs Law	51	150,000 Kip	5 million Kip	n.a.	n.a.
	52	n.a.	Equal to one time the amount of customs duties and other obligations which have been avoided [or] concealed.	n.a.	n.a.
	53	Equal to two times the amount of customs duties and other obligations which have been avoided [or] concealed.	If a [minor] offence at the third degree is committed for the second time, the penalty shall be three times the amount of customs duties and other obligations which have been avoided [or] concealed.	n.a.	n.a.
	54	n.a.	Equal to one time the amount of customs duties and other obligations which have been avoided [or] concealed.	n.a.	n.a.
	55	n.a.	Equal to one time the amount of customs duties and other obligations which have been avoided [or] concealed.	n.a.	n.a.
	56	n.a.	Equal to one time the amount of customs duties and other obligations which have been avoided [or] concealed.	n.a.	n.a.
Penal Law 2005	64	1% of the value of the laundered amount (accomplice)	One third of the value of the laundered amount	1 6 months (accomplice)	3 2 (accomplice)
	77	1 million Kip	20 million Kip	6 months	5
	103	300,000 Kip	1 million Kip	6 months	2
	107	1 million Kip (individual)	10 million Kip (individual)	5 (individual)	10 (individual)
		5 million Kip (organized group)	10 million Kip (organized group)	10 (organized group)	20 (organized group)
	109	200,000 Kip	15 million Kip	6 months	7
	116	500,000 Kip	10 million Kip	3 months	5
	143	500,000 Kip	1 million Kip	2	5
	145	n.a.	Fine as specified by Customs regulations	3 months	2
	157	Fine equal to the value of the bribe	Fine equal to twice the value of the bribe	3 months	2
161	500,000 Kip	10 million Kip	3 months	5	
174		1 percent of the value of damage to the State or collectives or to the rights and benefits of citizens.	1	life imprisonment	

5.2 PENALTIES UNDER OTHER NATIONAL LAWS

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Law on Anti-Money Laundering and Counter-Financing Terrorism 2015	66	300 million Kip	700 million Kip	3 months	10
		Organized group or habitual offender: 700 million Kip	900 million Kip	10	12 plus confiscation of properties
	69	30 million Kip	60 million Kip and the properties will be confiscated	3	6

6 ANNEXES

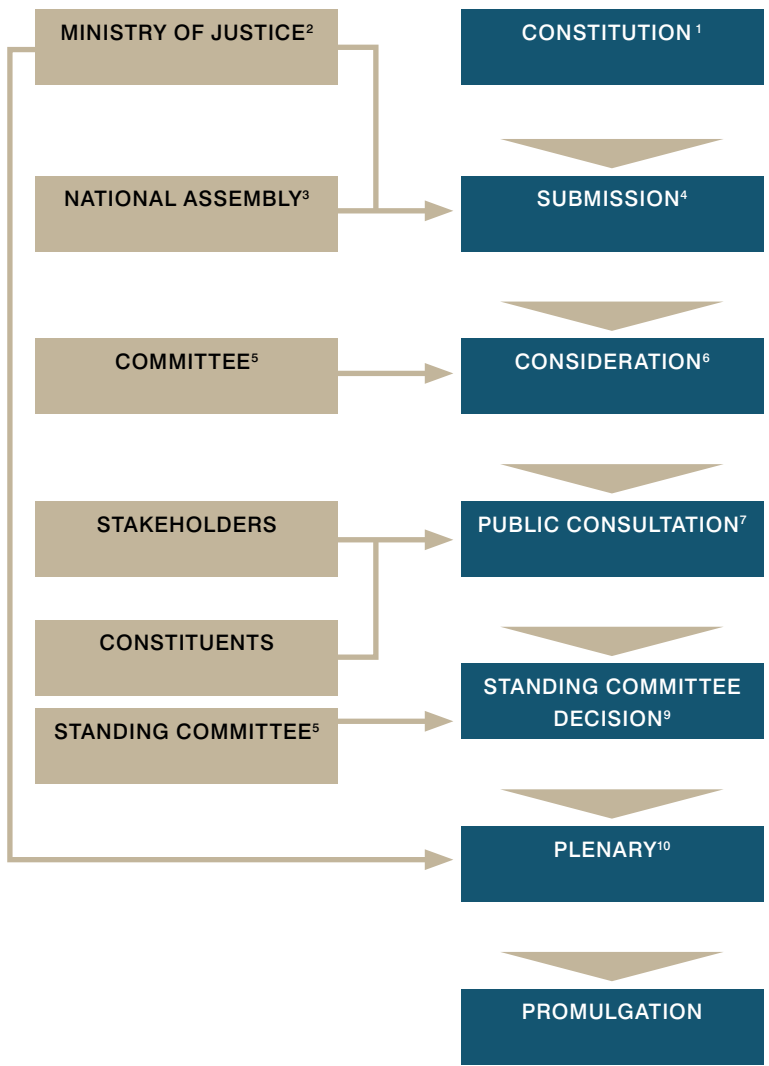
A OVERVIEW OF LEGAL PROCESS AND PROCEDURE FOR PROSECUTION AND SENTENCING OF WILDLIFE CRIMES, LAO PEOPLE'S DEMOCRATIC REPUBLIC (PDR)



Notes:

- 1 Article 60 of the Law on Criminal Procedure states that the head of the investigation or the public prosecutor can issue an arrest warrant if a person has received a summons three times, but failed to appear without reason.
- 2 Article 75 states the court shall consider cases within one month from when it receives an order from the public prosecutor. Article 78 states that hearings at the court of 1st instance shall be made directly, verbally, openly or in closed sessions
- 3 Article 80 states the presiding judge and members of the judicial tribunal must pronounce the final decision in an open court session and also instruct [the litigants] of their right to appeal. If the final decision cannot be pronounced at that time, it may be adjourned to another day up to seven days.
- 4 Article states that litigants have the right to request an appeal against, and the public prosecutor has the right to object to, an instruction or order of the court of first instance within seven days.
- 5 Article 99 states decisions the court of cassation makes:
 - To not accept the request for cassation or objection, if the litigants or the public prosecutor do not comply with regulations relating to requests for cassation;
 - To cancel the request for cassation or objection, and confirm the entire decision of the court of appeal;
 - To amend the instruction, order, or decision of the court of appeal in part or in its entirety [to the extent] that it contradicts the laws;
 - To nullify the instruction, order, or decision of the court of appeal entirely without sending the case back to the appellate court, and then to issue a decision of acquittal;
 - To nullify the instruction, order, or decision of the court of appeal partially or in its entirety, and then send the case-file to a new or the previous judicial tribunal of the court of appeal, when the [previous] judicial tribunal has not yet considered certain request.

B OVERVIEW OF LEGISLATIVE PROCESS OF LAO PEOPLE’S DEMOCRATIC REPUBLIC (PDR)¹¹



Footnotes:

- 1 Article 59 of the Constitution states that draft legislation can be proposed by the President, the Supreme Court, the Standing Committee of the National Assembly, Government Ministries, the People’s Prosecutor General, the Lao Front for National Construction and Mass Organisations
- 2 The Ministry of Justice checks the bill against any existing laws and for technical issues before it is submitted to the National Assembly
- 3 The National Assembly is the main body of Laos’ legislature. It meets bi-annually and is comprised of 136 members (132 from the People’s Revolutionary Party and 4 non-partisans)
- 4 After submission, the draft is referred to the relevant Committee
- 5 There are 6 Committees with responsibility for different policy areas
- 6 The relevant Committee considers the objectives of the draft law and its wording
- 7 The draft is put under public scrutiny on both a local and national level. Both constituents and stakeholders provide input.
- 8 The Standing Committee is the permanent body of the National Assembly made of 10 members (President, 2 Vice-Presidents, Chief of the Cabinet and Chairs of 6 Committees)
- 9 The Standing Committee decides whether the draft should be submitted to a Plenary session of the National Assembly
- 10 If the draft is accepted by the National Assembly it becomes law
- 11 SHERLOCK S (2015), *One ASEAN: Many Systems. Legislative Procedures of AIPA Member Parliaments*. ISBN 978-602-72633-1-4
The flowchart for the legislative process was created based on the information provided in this document.

C LIST OF NATIONAL LAWS

1. Anti-Corruption Law, No.45/PO, 2005
2. Amended Constitution of the Lao People's Democratic Republic, 2003
3. Criminal Procedure Law, No.34/PO (2004)
4. Customs Law No.47/PO, 2005
5. Decree on Anti-Money Laundering, 2006
6. Decree on the Notification and Enquiry of Trade Related Information, Ref: 363/PM, 2010
7. Decree on the Control of the Movement of Animal and Animal Products, 2012
8. Decree on Forest Strategy to the Year 2020, Number 229/PM of 2005
9. Decree on Implementing the Law on Plant Protection No. 229/GoL (2012)
10. Decree on Sustainable Management of Production Forest Areas, Number 59/2002
11. Decree on the Implementation of the Land Law, No.88/PM, 2008
12. Environmental Protection Law, No.09/PO, 1999
13. Electronic Transaction Law No. 20/NA 07 Dec. 2012
14. Forestry Law, No.06/NA, 2007
15. Law on Hygiene, Disease Prevention and Health Promotion, No.13/PO, 2001
16. Law on Food, No.37/PO, 2004
17. Law on Anti-Money Laundering and Counter-Financing of Terrorism, 2015
18. Law on National Heritage, No.138/PDR, 2005
19. Minister Decision on the Organization and Operation of Sanitary and Phytosanitary Enquiry Point No.1502/MAF, 23 June 2011
20. Penal Law, No.142/PO, 2005
21. Wildlife and Aquatic Law, No.07/NA, 2007



NATIONAL LAWS MALAYSIA



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1 EXECUTIVE SUMMARY

WILDLIFE LAWS

Malaysia has been a member of CITES since 1978 and its wildlife legislation qualifies as Category One under CITES requirements¹.

There are a number of legislation that are relevant to the investigation and prosecution of wildlife crimes in Malaysia:

1. International Trade in Endangered Species Act 2008 (Act 686)
2. Wildlife Conservation Act 2010 (Act 716)
3. Sabah Wildlife Conservation Enactment 1997 (Enactment No.6 of 1997)
4. Sarawak Wildlife Protection Ordinance 1998, (Chapter 26)

The Act directly relevant to CITES implementation is the International Trade in Endangered Species Act 2008 (Act 686).

The key strengths are that the law covers all CITES-listed species, encompasses illegal possession as an offence, confers comprehensive enforcement powers as well as large category of offences including transit cases; which is highly relevant to Malaysia's position as a transit hub for wildlife trafficking activities.

PENALTIES UNDER WILDLIFE LAWS

Under the International Trade in Endangered Species Act 2008 (Act 686), the maximum imprisonment term for wildlife trafficking crimes is 7 years, which meets the requirement of "serious offence" pursuant to the definition of UNTOC.

The maximum fine under the same Act for wildlife trafficking is 1 million ringgit² (individual) and 2 million ringgit³ (body corporate). This may be an area that can be improved as given the value of illegal wildlife trade, the amount may be too low to be an effective deterrence for the criminals, in particular in cases of organized syndicates.

INTERNATIONAL COOPERATION AND OTHER LAWS

It is noteworthy that Malaysia has ratified/acceded to the relevant international treaties⁴. Relevant laws have been passed, amended or were already in existence to comply with and complement the respective treaties. Notwithstanding that Malaysia is not a party to some of the listed conventions, it has laws on the relevant topics. Malaysia shall definitely benefit from inter-agencies and regional cooperation in the fight against transnational and organized wildlife crime.

Malaysia has robust laws and penalties on anti-money laundering activities and wildlife trafficking is a predicate crime under such laws⁵.

The maximum imprisonment term for money-laundering offences is 5 years and a maximum fine of 5 million Ringgit⁶.

¹ Category One where its legislation is believed generally to meet all four requirements for effective implementation of CITES; Category Two where its legislation is believed generally to meet one to three of the four requirements for effective implementation of CITES; and category three where its legislation is believed generally to not meet any of the four requirements for effective implementation of CITES.

² Approximately USD 226,000.

³ Approximately USD 452,000.

⁴ See section 2 on International convention, treaties and agreements: relevant laws

⁵ Article 4, Anti-money Laundering and Anti-Terrorism Financing Act 2001.

⁶ Approximately USD1.1 million

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF ACCESSION: 18 JANUARY 1978</p>
<p>a. International Trade in Endangered Species Act 2008 (Act 686) b. Wildlife Conservation Act 2010 (Act 716) c. Sabah Wildlife Conservation Enactment 1997 (Enactment No.6 of 1997) d. Sarawak Wildlife Protection Ordinance 1998, (Chapter 26)</p>	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF ACCESSION: 4 SEPTEMBER 2004</p>
<p>a. Malaysian Security Offences (Special Measures) Act 2012 b. Penal Code 2013 (Act 574)</p>	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF ACCESSION: 24 SEPTEMBER 2008</p>
<p>a. Malaysia Anti-Corruption Commission Act 2009 (Act 694) b. Whistleblowers Protection Act 2010 (Act 711) c. Witness Protection Act 2009 (Act 696) As Amended on 1st May 2013 d. Penal Code 2013 (Act 574) e. Mutual Assistance in Criminal Matters Act 2002 (Act 621)</p>	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF ACCESSION: 30 JUNE 2008</p>
<p>a. Customs Act 1967, Act 235, incorporating all amendments up to 1st January 2006</p>	
<p>5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995</p>	<p>DATE OF RATIFICATION: 1 JANUARY 1995</p>
<p>a. Prevention and Control of Infectious Diseases Act 1988, Act 342</p>	
<p>6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL</p>	<p>DATE OF ACCESSION: 24 JUNE 1994</p>
<p>a. International Trade in Endangered Species Act 2008 (Act 686) b. Wildlife Conservation Act 2010 (Act 716) c. Sabah Wildlife Conservation Enactment 1997 (Enactment No.6 of 1997) d. Sarawak Wildlife Protection Ordinance 1998, (Chapter 26) e. National Forestry Act 1984 (Act 314), incorporating all amendments up to 1st January 2006 f. Fisheries Act 1985 (Act 317), incorporating all amendments up to 1st January 2006</p>	

<p>7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972</p>	<p>DATE OF ACCESSION: 7 DECEMBER 1988</p>
<p>a. National Heritage Act 2005</p>	
<p>8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2004</p>	<p>DATE OF RATIFICATION: 1 JUNE 2005</p>
<p>a. Extradition Act 1992 (Act 479) b. Mutual Assistance in Criminal Matters Act 2002 (Act 621)</p>	
<p>9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION - THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012</p>	<p>DATE OF RATIFICATION:</p>
<p>MAY 2000 (MEMBERSHIP TO THE ASIA/PACIFIC GROUP ON MONEY LAUNDERING GROUP AND IS AN OBSERVER OF FATF</p>	
<p>a. Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (Act 613)</p>	
<p>10 CONVENTION ON CYBERCRIME, BUDAPEST, 1 JULY 2004 (BUDAPEST CONVENTION ON CYBERCRIME)</p>	<p>DATE OF RATIFICATION: N/A</p>
<p>a. Computer Crimes Act 1997 (Act 563), incorporating all amendments up to 1 January 2006</p>	
<p>11 BIOLOGICAL AND TOXIN WEAPONS CONVENTION (BWC) 1975</p>	<p>DATE OF ACCESSION: 26 SEPTEMBER 1991</p>
<p>a. Strategic Trade Act 2010 b. Penal Code 2013 (Act 574)</p>	

3 KEY PROVISIONS OF WILDLIFE LAWS

3.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A <i>Wildlife Conservation Act 2010</i>	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
65	Any person who imports, exports or re-exports any protected wildlife or any part or derivative of a protected wildlife without a licence commits an offence and shall, on conviction, be liable to a fine of not less than twenty thousand ringgit and not more than fifty thousand ringgit and to imprisonment for a term not exceeding one year.
71	Any person who imports, exports or re-exports any totally protected wildlife or any part or derivative of a totally protected wildlife without a special permit commits an offence and shall, on conviction, be liable to a fine of not less than thirty thousand ringgit and not more than one hundred thousand ringgit and to imprisonment for a term not exceeding three years.
86	<p>(1) Save as otherwise provided in this section, any person who—</p> <ol style="list-style-type: none"> a. beats, kicks, infuriates, terrifies, tortures, declaws or defangs any wildlife; b. neglects to supply sufficient food or water to any wildlife which he houses, confines or breeds; c. keeps, houses, confines or breeds any wildlife in such manner so as to cause it unnecessary pain or suffering including the housing, confining or breeding of any wildlife in any premises which is not suitable for or conducive to the comfort or health of the wildlife; d. uses any wildlife for performing or assisting in the performance of any work or labour which by reason of any infirmity, wound, disease or any other incapacity it is unfit to perform; e. uses, provokes or infuriates any wildlife for the purpose of baiting it or for fighting with any other wildlife or animal, or manages any premises or place for any of these purposes; or f. wilfully does or wilfully omits to do anything which any unnecessary suffering, pain or discomfort to any wildlife, <p>commits an offence and shall, on conviction, be liable to a fine of not less than five thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both.</p> <p>(2) This section shall not apply to any person who wounds any wildlife in the course of lawfully hunting it under this Act.</p>
B <i>International Trade in Endangered Species Act 2008</i>	
AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
10	<p>Any person who imports or exports any scheduled species without a permit commits an offence and shall, on conviction, be liable-</p> <ol style="list-style-type: none"> a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both; b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.

B Section continued

ARTICLE NO.	PROVISIONS
11	<p>Any person who re-exports or introduces from the sea any scheduled species without a certificate commits an offence and shall, on conviction, be liable-</p> <ul style="list-style-type: none">a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.
12	<p>Any person who-</p> <ul style="list-style-type: none">a. has in his possession or under his control;b. sells, offers or exposes or advertises for sale; orc. displays to the public, <p>any scheduled species which has been imported or introduced from the sea in contravention of section 10 or 11 commits an offence and shall, on conviction, be liable-</p> <ul style="list-style-type: none">aa. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;bb. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.
13	<p>(1) Every scheduled species in transit in Malaysia shall be accompanied by -</p> <ul style="list-style-type: none">a. a valid export or re-export permit, licence, certificate or written permission, in accordance with the Convention, issued by the competent authority of the country of export or re-export, as the case may be, of the scheduled species; andb. where required by the country of import or final destination of the scheduled species, a valid import permit, licence, certificate or written permission, in accordance with the Convention, issued by the competent authority of that country or destination. <p>(2) Any owner, importer, exporter or re-exporter who contravenes subsection (1) commits an offence and shall, on conviction, be liable-</p> <ul style="list-style-type: none">a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.
14	<p>(2) Any person who-</p> <ul style="list-style-type: none">a. has in his possession or under his control;b. sells, offers or exposes or advertises for sale; orc. displays to the public, <p>any scheduled species which has been produced in contravention of subsection (1) commits an offence and shall, on conviction, be liable-</p> <ul style="list-style-type: none">aa. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;

B Section continued

ARTICLE NO.	PROVISIONS
	bb. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.

C Sarawak Wildlife Protection Ordinance 1998

AGENCY	Sarawak Ministry of Forestry
ARTICLE NO.	PROVISIONS
24	<p>(1) No person shall enter a Wild Life Sanctuary unless he first obtains a written permission from the Warden in charge thereof authorizing him to do so.</p> <p>(2) No person shall in a Wild Life Sanctuary—</p> <ul style="list-style-type: none">d. cut, collect, remove or be in possession of any wild plant or any part thereof;e. be in possession of any wild animal or any recognizable part or derivative thereof; <p>(3) Whoever does any act in contravention of paragraph (a) or (e) of subsection (2) shall be guilty of an offence: Penalty—</p> <ul style="list-style-type: none">a. if the animal concerned is a rhinoceros, imprisonment for five years and a fine of fifty thousand ringgit;b. if the animal concerned is an orang-Utang or proboscis monkey, imprisonment for two years and a fine of thirty thousand ringgit;c. if the animal concerned is a totally protected animal other than those mentioned in paragraph (a) or (b), imprisonment for two years and a fine of twenty-five thousand ringgit;d. if the animal concerned is a protected animal, imprisonment for one year and a fine of ten thousand ringgit;e. in the case of any other animal not mentioned in paragraphs (a), (b), (c) and (d), imprisonment for one year and a fine of two thousand ringgit or five times the sum which appears to the court to be the value of the wild animal hunted, killed or captured, whichever is the greater. <p>(4) Whoever does any act in contravention of paragraph (d) of subsection (2) shall be guilty of an offence: Penalty—</p> <ul style="list-style-type: none">a. if the plant concerned is a totally protected plant, imprisonment for two years and a fine of twenty-five thousand ringgit;b. if the plant concerned is a protected plant, imprisonment for one year and a fine of ten thousand ringgit;c. in the case of other wild plant not being a totally protected plant or protected plant, imprisonment for one year and a fine of two thousand ringgit or five times the sum which appears to the court to be the value of the wild plant cut or removed, whichever is the greater.
29	<p>Any person who hunts, kills, captures, sells, offers for sale or claims to be offering for sale, imports, exports, or is in possession of, any totally protected animal or any recognizable part or derivative thereof, or any nest thereof, except in accordance with the permission in writing of the Controller for scientific or educational purposes or for the protection and conservation of such totally protected animal, shall be guilty of an offence: Penalty—</p> <ul style="list-style-type: none">a. if the animal concerned is a rhinoceros, imprisonment for five years and a fine of fifty thousand ringgit;b. if the animal concerned is an orang-utan or proboscis monkey, imprisonment for two years and a fine of thirty thousand ringgit;c. in the case of other totally protected animals not mentioned in paragraph (a) or (b), imprisonment for two years and a fine of twenty five thousand ringgit. <p>(2) Any person who hunts, kills, captures, sells, offers for sale or claims to be offering for sale, imports, exports, or is in possession of, any protected animal or any recognizable part or derivative thereof, or any nest thereof, except under and in accordance with the terms and conditions of a license issued under this Ordinance, shall be guilty of an offence: Penalty, imprisonment for one year and a fine of ten thousand ringgit.</p>

C Section continued	
ARTICLE NO.	PROVISIONS
30	<p>(1) Without prejudice to section 24(4), any person who collects, cultivates, cuts, trims, removes, burns, poisons, injures, sells, offers for sale, imports, exports or is in possession of, any totally protected plant or any recognizable part or derivative thereof, except in accordance with the permission in writing of the Controller for Scientific or educational purposes or for the protection and conservation of such totally protected plant, shall be guilty of an offence: Penalty, imprisonment for two years and a fine of twenty- five thousand ringgit.</p> <p>(2) Any person who collects, cultivates, cuts, trims, removes, burns, poisons, in any way injures, sells, offers for sale, imports, exports or is in possession of, any protected plant or any recognizable part or derivative thereof, except under and in accordance with the terms and conditions of a license issued under this Ordinance, shall be guilty of an offence: Penalty, imprisonment for one year and a fine of ten thousand ringgit.</p>
31	Any person who imports into or exports out of the State any wild animal specified in Part III of the First Schedule or any wild plant specified in Part III of the Second Schedule, except under and in accordance with the terms and conditions of a license issued by the Controller, shall be guilty of an offence: Penalty, imprisonment for one year and a fine of two thousand ringgit or five times the sum which appears to the court to be the value of any wild animal or wild plant imported or exported, whichever is the greater.
33	<p>(1) Without prejudice to section 29, no person shall sell or offer for sale or claim to be offering for sale, any wild mammal, bird, reptile or amphibian or any recognizable part or derivative thereof other than a wild mammal, bird, reptile or amphibian which is bred, reared or kept in accordance with a licence issued under section 35.</p> <p>(2) No person shall collect, sell, offer for sale or export from or import into the State, any nest of any swiftlets or any recognizable part or derivative thereof without a license from the Controller.</p> <p>(3) Any person who contravenes subsection (1) or (2), or who fails to comply with any condition imposed in a license issued by the Controller for the purposes of subsection (2), shall be guilty of an offence: Penalty, a fine of five thousand ringgit.</p>

D Sabah Wildlife Conservation Enactment 1997	
AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
48	<p>No person shall sell</p> <p>(1) any live protected animal or animal product of a protected animal except</p> <ol style="list-style-type: none"> where that person has a certificate of legal ownership in respect of that animal or animal product; under the authority of an animal dealer's permit granted under section 51; where the person has an animal farming permit granted under section 78; where the person has captured or killed the animal under the authority of a commercial hunting licence and sells the animal or animal product therefrom to a person having an animal dealer's permit or animal farming permit; where a member of a kampung sells an animal product of a protected animal obtained pursuant to an animal kampung licence to a person holding an animal dealer's permit or sells such animal product to another member of the kampung in that kampung market. <p>(2) No person shall purchase any live protected animal or animal product of a protected animal except -</p> <ol style="list-style-type: none"> from a person with a certificate of legal ownership in respect of that animal or animal product; from a person holding an animal dealer's permit ranted under section 51; from a person holding an animal farming permit granted under section 78; where the purchaser holds an animal dealer's permit or animal farming permit and the vendor holds a commercial hunting licence;

D Section continued	
ARTICLE NO.	PROVISIONS
	<p>e. where the purchaser holds an animal dealer's permit and buys an animal product of a protected animal obtained pursuant to an animal kampung licence form a member of the kampung or where the purchaser, being a member of a kampung, buys such an animal product from another member of the kampung in the kampung market; or</p> <p>f. from the government.</p> <p>(3) A person who contravenes subsection (1) or (2) commits an offence and shall be liable on conviction to a fine of thirty thousand ringgit or to imprisonment for three years or both.</p>
53	<p>No person shall—</p> <p>(1) bring or cause to be brought into the State; or take or cause to be taken out of the State, by land, sea or air any live protected animal or animal product of a protected animal except under the authority of permit granted by the Director upon such conditions as may be specified therein and subject to the payment of such fee as may be prescribed.</p> <p>Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine of fifty thousand ringgit or to imprisonment for five years or to both.</p>
54	<p>(1) subject to section 56, no person shall harvest a plant of -</p> <p>a. a species listed in Appendix I or Part II of Schedule 1; or</p> <p>b. a species listed in Appendix II or Part II of Schedule 2, without a licence.</p> <p>(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction -</p> <p>a. in respect of an offence relating to a plant of species listed in Appendix I or Part II of Schedule 1 to a fine of fifty thousand ringgit or to imprisonment for five years or to both; or</p> <p>b. in respect of an offence relating to a plant of a species listed in Appendix II or part II of Schedule 2, to a fine of thirty thousand ringgit or to imprisonment for three years or to both.</p>
63	<p>(1) No person shall</p> <p>a. bring or cause to be brought into the State; or</p> <p>b. take or cause to be taken out of the State, by land, sea or air any protected pant except under the authority of a permit by the Director upon such conditions as may be specified therein and subject to the payment of such fee as may be prescribed.(2) any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine of fifty thousand ringgit or to imprisonment for five years or to both.</p>

E National Forestry Act 1984	
AGENCY	Federal Forest Department
ARTICLE NO.	PROVISIONS
15	<p>(1) No person shall take any forest produce from a permanent reserved forest or a State land except—</p> <p>a. under the authority of a licence, minor licence or use permit; or</p> <p>b. in accordance with any other written law.</p> <p>(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *five hundred thousand ringgit and to imprisonment for a term which shall not be less than one year but shall not exceed twenty years.</p> <p>(2a) Any person convicted of an offence under this section may, in addition to any penalty imposed on the conviction, be ordered to pay, in respect of any forest produce unlawfully taken, to the State Authority—</p>

E Section continued	
ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none"> a. a sum not exceeding ten times the royalty, premium and cess; b. a sum not exceeding ten times the value of such forest produce; and c. any other charges payable, and any sum ordered to be so paid shall be recoverable as if it were a fine so imposed.
40	<p>(1) No person shall remove any forest produce from any—</p> <ul style="list-style-type: none"> a. alienated land; b. land held under a temporary occupation licence; c. mining land; or d. reserved land, <p>unless he is the holder of a removal licence.</p> <p>(2) Any person who contravenes this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *five hundred thousand ringgit and to imprisonment for a term which shall not be less than one year but shall not exceed twenty years.</p> <p>(2a) Any person convicted of an offence under this section may, in addition to any penalty imposed on the conviction, be ordered to pay, in respect of any forest produce unlawfully taken, to the State Authority—</p> <ul style="list-style-type: none"> a. a sum not exceeding ten times the royalty, premium and cess; b. a sum not exceeding ten times the value of such forest produce; and c. any other charges payable, and any sum ordered to be so paid shall be recoverable as if it were a fine so imposed. <p>(3) The State Authority may exempt from this section any forest produce removed from any alienated land by any aborigine for any of the purposes specified under paragraph 62(2)(b).</p>

F Fisheries Act 1985 (Act 317)	
AGENCY	Department of Fisheries Ministry of Agriculture and Agro Industry
ARTICLE NO.	PROVISIONS
8	<p>Any person who undertakes any fishing activity, operates, or allows to be operated, in Malaysian fisheries waters any local fishing vessel for the purpose of fishing—</p> <p>without a valid licence issued under this Part;</p> <p>in contravention of any condition in the licence issued in respect of such vessel; or</p> <p>in contravention of any direction in writing issued by the Director General under this Act, shall be guilty of an offence.</p>
20	<p>Any person who brings into or has in his possession, custody or control in Malaysian fisheries waters fish taken or received from a foreign fishing vessel shall, unless he is authorized in writing so to do by the Director General, be guilty of an offence.</p>
25	<p>Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence and where no special penalty is provided in relation thereto, such person shall be liable—</p> <ul style="list-style-type: none"> a. where the vessel concerned is a foreign fishing vessel or the person concerned is a foreign national, to a fine not exceeding one million ringgit each in the case of the owner or master, and one hundred thousand ringgit in the case of every member of the crew; b. in all other cases, to a fine not exceeding *twenty thousand ringgit or a term of imprisonment not exceeding two years or both.

F Section continued

ARTICLE NO.	PROVISIONS
26	<p>Any person who—</p> <p>uses or attempts to use any explosive, poison or pollutant, or any apparatus utilizing an electric current, or any prohibited gear, for the purpose of killing, stunning, disabling or catching fish, or in any other way rendering such fish more easily caught;</p> <p>carries or has in his possession or under his control any explosive, poison or pollutant, or any apparatus utilizing an electric current, or any prohibited gear, with the intention of using such explosive, poison or pollutant, or apparatus, or prohibited gear, for any of the purposes referred to in paragraph (a); or</p> <p>knowing or having reasonable cause to believe that any fish is a prohibited species or has been taken in contravention of the provisions of this Act, receives or is found in possession of such fish, shall be guilty of an offence.</p> <p>Any explosive, poison, pollutant, apparatus or gear referred to in subsection (1) found in the possession or under the control of any person shall be presumed to be intended to be used for any of the purposes referred to in paragraph (1)(a) unless the contrary is proved.</p>

3.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT /ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

Malaysia National Task Force on Wildlife and Forestry Enforcement (combined My-WEN and National Task Force in Combating Illegal Logging)

- Starting 2011, the Ministry of Natural Resources and Environment (NRE) Malaysia had establish a national level task force which combined Malaysian Wildlife Enforcement Network (My-WEN) and National Task Force In Combating Illegal Logging (NATFIL) to integrate all related enforcement authorities into a larger scale and more effective network to ensure the sustainable management of natural resources.
- The National Task Force is coordinated by NRE and consists of the CITES Management Authorities and Scientific Authorities, Forestry Departments, Malaysian Royal Police and Customs, Anti-Smuggling Unit, Maritime Enforcement Agency, Port and Airport Authorities, States Government, Anti-Corruption Commission, and related Non-Government Organisations (NGOs).

3.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY AT LEAST FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY¹ OR BY LAW

A International Trade In Endangered Species Act 2008

AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
10	<p>Any person who imports or exports any scheduled species without a permit commits an offence and shall, on conviction, be liable-</p> <p>a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;</p> <p>b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.</p>
11	<p>Any person who re-exports or introduces from the sea any scheduled species without a certificate commits an offence and shall, on conviction, be liable-</p> <p>a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;</p>

¹ Per definition in UNTOC

A Section continued	
ARTICLE NO.	PROVISIONS
	b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.

3.4 PROTECTION OF NON-NATIVE SPECIES
Yes, under Articles 5, 10 and 11 of the International Trade in Endangered Species Act 2008 (Act 686)

3.5 CATEGORIES OF WILDLIFE	
A International Trade in Endangered Species Act 2008 (Act 686)	
AGENCY	Ministry of Natural Resources and Environment; Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
3	“Scheduled Species” means any animal or plant, including any readily recognizable part or derivative of the animal or plant specified in the Third Schedule

3.6 MECHANISM FOR REVIEW AND UPDATE OF PROTECTED SPECIES LIST	
A International Trade in Endangered Species Act 2008	
AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
9	The Scientific Authority shall provide advice to the Lead Management Authority and Management Authority on international trade in scheduled species on- a. the impact of the trade on the survival of the scheduled species; b. the quotas for the export of the scheduled species; c. the appropriate care of any live scheduled species to be imported or to be kept in Malaysia; d. the measures to be taken when the harvest of the scheduled species threatens its survival; e. the appropriate treatment of any seized or confiscated scheduled species; f. the method of disposal of any seized or confiscated scheduled species; and g. any other matters as it deems fit to enable it to perform its functions effectively or which are incidental to the performance of its functions.

3.7 HUNTING OF WILDLIFE	
A Wildlife Conservation Act 2010	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
60	(1) Subject to subsection (2), any person who— a. hunts or keeps any protected wildlife (other than immature protected wildlife or the female of a protected wildlife); or b. takes or keeps any part or derivative of any protected wildlife, without a licence commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both. (2) Any person who commits an offence under subsection (1) and which offence involves Common Shama (<i>Copsychus malabaricus</i>), Oriental White Eye (<i>Zosterops palpebrosa</i>) or Hill Myna (<i>Gracula religiosa</i>), exceeding twenty heads, shall, on conviction, be punished

A Section continued	
ARTICLE NO.	PROVISIONS
	with a fine of not less than twenty thousand ringgit and not more than fifty thousand ringgit or with imprisonment for a term not exceeding three years or to both.
61	Any person who hunts or keeps an immature protected wildlife without a licence commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.
62	Any person who hunts or keeps the female of a protected wildlife without a licence commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.
68	<p>Subject to subsection (2), any person who—</p> <p>a. hunts or keeps any totally protected wildlife (other than an immature totally protected wildlife or the female of a totally protected wildlife); or</p> <p>b. takes or keeps any part or derivative of a totally protected wildlife, without a special permit commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.</p> <p>Any person who commits an offence under subsection (1) and which offence involves—</p> <p>a. Pangolin (<i>Manis javanica</i>), Blood Python (<i>Python brongersmai</i>), Harlequin Monitor (<i>Varanus rudicollis</i>), Dumeril's Monitor (<i>Varanus dumerilli</i>) or Clouded Monitor (<i>Varanus bengalensis</i>), exceeding twenty heads, shall, on conviction, be punished with a fine of not less than fifty thousand ringgit and not more than one hundred thousand ringgit or with imprisonment for a term not exceeding three years or to both;</p> <p>b. Crested Argus (<i>Rheinardia ocellata</i>), Mountain Peacock Pheasant (<i>Polyplectron inopinatum</i>), Great Argus (<i>Argusianus argus</i>), Green Peafowl (<i>Pavo muticus</i>), Straw-headed Bulbul (<i>Pycnonotus zeylanicus</i>), Rhinoceros Hornbill (<i>Buceros rhinoceros</i>), Great Hornbill (<i>Buceros bicornis</i>), Plain-pouched Hornbill (<i>Aceros subruficollis</i>) or Helmeted Hornbill (<i>Rhynoplax vigil</i>) shall, on conviction, be punished with a fine of not less than thirty thousand ringgit and not more than one hundred thousand ringgit and with imprisonment for a term not exceeding two years; or</p> <p>c. Serow (<i>Capricornis sumatrensis</i>), Gaur (<i>Bos gaurus</i>), Javan Rhinoceros (<i>Rhinoceros sondaicus</i>), Sumatran Rhinoceros (<i>Dicerorhinus sumatrensis</i>), Tiger (<i>Panthera tigris</i>), Leopard (<i>Panthera pardus</i>), Clouded Leopard (<i>Neofelis nebulosa</i>) or False Gharial (<i>Tomistoma schlegelii</i>) shall, on conviction, be punished with a fine of not less than one hundred thousand ringgit and not more than five hundred thousand ringgit and with imprisonment for a term not exceeding five years.</p>
69	<p>(1) Subject to subsection (2), any person who hunts or keeps any immature totally protected wildlife without a special permit commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding ten years or to both.</p> <p>(2) Any person who commits an offence under subsection (1) and which offence involves wildlife specified in paragraph 68(2)(c), shall, on conviction, be punished with a fine of not less than one hundred and fifty thousand ringgit and not more than five hundred thousand ringgit and with imprisonment for a term not exceeding five years.</p>
70	<p>(1) Subject to subsection (2), any person who hunts or keeps the female of a totally protected wildlife without a special permit commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding ten years or to both.</p> <p>(2) Any person who commits an offence under subsection (1) and which offence involves wildlife specified in paragraph 68(2)(c), shall, on conviction, be punished with a fine of not less than two hundred thousand ringgit and not more than five hundred thousand ringgit and with imprisonment for a term not exceeding five years.</p>

B Sarawak Wildlife Protection Ordinance 1998

AGENCY	Sarawak Ministry of Forestry
ARTICLE NO.	PROVISIONS
29	<p>(1) Any person who hunts, kills, captures, sells, offers for sale or claims to be offering for sale, imports, exports, or is in possession of, any totally protected animal or any recognizable part or derivative thereof, or any nest thereof, except in accordance with the permission in writing of the Controller for scientific or educational purposes or for the protection and conservation of such totally protected animal, shall be guilty of an offence: Penalty—</p> <ol style="list-style-type: none"> if the animal concerned is a rhinoceros, imprisonment for five years and a fine of fifty thousand ringgit; if the animal concerned is an orang-utan or proboscis monkey, imprisonment for two years and a fine of thirty thousand ringgit; in the case of other totally protected animals not mentioned in paragraph (a) or (b), imprisonment for two years and a fine of twenty five thousand ringgit. <p>(2) Any person who hunts, kills, captures, sells, offers for sale or claims to be offering for sale, imports, exports, or is in possession of, any protected animal or any recognizable part or derivative thereof, or any nest thereof, except under and in accordance with the terms and conditions of a licence issued under this Ordinance, shall be guilty of an offence: Penalty, imprisonment for one year and a fine of ten thousand ringgit.</p>

C Sabah Wildlife Conservation Enactment 1997

AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
25 - 36	Part IV: Protection of Animals and Hunting
25	<p>No person shall hunt</p> <p>(1) any animal of a species listed in Part I of Schedule 1.</p> <p>(2) No person shall hunt—</p> <ol style="list-style-type: none"> an animal of a species listed in Part I of Schedule 2 or Schedule 3 without a licence; more than the quota of that species of animal included in a licence. <p>(3) Any person who contravenes subsection (1) or (2) commits an offence and shall be liable on conviction—</p> <ol style="list-style-type: none"> in respect of an offence relating to an animal of a species listed in Part I of Schedule 1 to a term of imprisonment for not less than six months but not exceeding five years; or in respect of an offence relating to an animal of a species listed in Part I of Schedule 2 or Schedule 3, to a fine of fifty thousand ringgit or to imprisonment for five years or to both.
26	<p>(1) A person may hunt an animal of a species listed in Part I of Schedule 2 under the authority of a licence issued by the Director.</p> <p>(2) The Director may at any time by notice published in the Gazette declare—</p> <ol style="list-style-type: none"> the total number of animals of each species listed in Part I of Schedule 2 that may be hunted; the number of animals of each species listed in Part I of Schedule 2 that may be hunted in each Wildlife Area; the maximum number of animals of each species listed in Part I of Schedule 2 that any individual may be licensed to hunt.
27	A person may hunt any animal of a species listed in Schedule 3 under the authority of a licence issued by the Director.

3.8 CAPTIVITY BREEDING

A *International Trade in Endangered Species Act 2008*

AGENCY Department of Wildlife and National Parks (PERHILITAN)

ARTICLE NO. **PROVISIONS**

14 (1) Any person who produces captive bred animal or artificially propagated plant or animal of any scheduled species for commercial trade purposes without being registered with a Management Authority commits an offence and shall, on conviction, be liable-

a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;

b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.

18 (1) Any person who is registered with a Management Authority to produce captive bred animal or artificially propagated plant or animal of any scheduled species shall keep and maintain records of their stocks and transactions.

(2) A Management Authority may inspect, at any time, the premises and records of any person registered with the Management Authority.

(3) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable-

a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding seven years or to both;

b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit.

B *Sabah Wildlife Conservation Enactment 1997*

AGENCY Ministry of Tourism, Culture and Environment

ARTICLE NO. **PROVISIONS**

9 All persons who carry on the business of—

a. a wildlife tour operator;

b. breeding, rearing and keeping animals; or

c. a cultivator of protected plants,

shall within three months from the coming into force of Part VII of this Enactment apply to the Director for—

a. a permit issued under section 76, 78 or 79 thereof as the case may be.

78 (1) No person shall carry on the business of breeding, rearing or keeping animals for—

a. sale;

b. slaughtering, preserving or otherwise processing the slaughtered animals;

c. sale of meat or animal products therefrom; or

d. display to the public in return for payment or other reward,

except under the authority of an animal farming permit issued by the Director.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine of twenty thousand ringgit or to imprisonment for two years or to both.

C Sarawak Wildlife Protection Ordinance 1998	
AGENCY	Sarawak Ministry of Forestry
ARTICLE NO.	PROVISIONS
35	<p>No person shall breed, rear or keep any wild mammal, bird, reptile or amphibian for the purpose of trade, sale or commercial usage without a licence from the Controller.</p> <p>(2) The sale or offer for sale of any wild mammal, bird, reptile or amphibian which is bred, reared or kept pursuant to subsection (1) shall be regulated—</p> <ol style="list-style-type: none"> a. by conditions imposed in the licence issued thereunder; or b. where the sale or offer for sale is not carried out by the holder of a licence issued under subsection (1), in accordance with a licence for the sale thereof issued by the Controller.
44	<p>Save as otherwise provided for in this Ordinance, any person who—</p> <ol style="list-style-type: none"> c. houses, confines or breeds any wild animal in such a manner so as to cause it unnecessary pain or suffering including the housing, confining or breeding of any wild animal in any cage, enclosure or hut which is not suitable for or conducive to the health of the wild animal; <p>shall be guilty of an offence: Penalty, imprisonment for six months and a fine of two thousand ringgit.</p>

3.9 ILLEGAL CONSUMPTION AND USE OF PROTECTED WILDLIFE

A International Trade in Endangered Species Act 2008	
AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
12	See Article 12 of International Trade in Endangered Species Act 2008 in Section 3.1 “Criminalization of Trafficking of Wildlife and Timber” above.

B Wildlife Conservation Act 2010	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
72	<p>(1) Subject to subsections (2) and (3), any person who—</p> <ol style="list-style-type: none"> a. uses any totally protected wildlife for his zoo, circus or wildlife exhibition operation; or b. uses any totally protected wildlife for his commercial captive breeding operation, without a special permit commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both. <p>(2) Any person who commits an offence under subsection (1), and which offence involves wildlife specified in paragraph 68(2)(b), shall, on conviction, be punished with a fine of not less than thirty thousand ringgit and not more than one hundred thousand ringgit and with imprisonment for a term not exceeding two years.</p> <p>(3) Any person who commits an offence under subsection (1) and which offence involves wildlife specified in paragraph 68(2)(c), shall, on conviction, be punished with a fine of not less than one hundred thousand and not more than five hundred thousand ringgit and with imprisonment for a term not exceeding five years.</p>

C Sarawak Wildlife Protection Ordinance 1998	
AGENCY	Sarawak Ministry of Forestry
ARTICLE NO.	PROVISIONS
29	Please see earlier reference to Article 29 in Section 3.7 Hunting of Wildlife.
37	(1) No person shall, unless licensed under this Ordinance, have in his possession any species of wild mammal, bird, reptile or amphibian:

C Section continued

ARTICLE NO.	PROVISIONS
	<p>Provided that—</p> <ul style="list-style-type: none">a. a native residing within a Native Area Land or Native Customary Land may have in his possession, for his own consumption or use, any wild mammal, bird, reptile or amphibian or other recognizable part or derivative thereof; andb. any other person may have, for his own consumption, not more than five kilograms of wild mammal, bird, reptile or amphibian. <p>(2) Any person who contravenes subsection (1) shall be guilty of an offence: Penalty—</p> <ul style="list-style-type: none">a. if the animal concerned is a totally protected species, the penalty shall follow those specified in subsection (1) of section 29 per individual animal and animal part in his possession;b. if the animal concerned is a protected species, the penalty shall follow those specified in subsection (2) of section 29 per individual animal and animal part in his possession;c. for all other species, the penalty shall be imprisonment for one year and a fine of two thousand ringgit per individual animal and animal part found in his possession.

3.10 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE

A International Trade in Endangered Species Act 2008

AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
10	<p>Any person who imports or exports any scheduled species without a permit commits an offence and shall, on conviction, be liable-</p> <ul style="list-style-type: none">a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.
11	<p>Any person who re-exports or introduces from the sea any scheduled species without a certificate commits an offence and shall, on conviction, be liable-</p> <ul style="list-style-type: none">a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.
12	<p>Any person who-</p> <ul style="list-style-type: none">a. has in his possession or under his control;b. sells, offers or exposes or advertises for sale; orc. displays to the public, <p>any scheduled species which has been imported or introduced from the sea in contravention of section 10 or 11 commits an offence and shall, on conviction, be liable-</p> <ul style="list-style-type: none">aa. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;

A Section continued	
ARTICLE NO.	PROVISIONS
	bb. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.
13	<p>(1) Every scheduled species in transit in Malaysia shall be accompanied by -</p> <p>a. a valid export or re-export permit, licence, certificate or written permission, in accordance with the Convention, issued by the competent authority of the country of export or re-export, as the case may be, of the scheduled species; and</p> <p>b. where required by the country of import or final destination of the scheduled species, a valid import permit, licence, certificate or written permission, in accordance with the Convention, issued by the competent authority of that country or destination.</p> <p>(2) Any owner, importer, exporter or re-exporter who contravenes subsection (1) commits an offence and shall, on conviction, be liable-</p> <p>a. where such person is an individual, to a fine not exceeding one hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of one million ringgit, or to imprisonment for a term not exceeding seven years or to both;</p> <p>b. where such person is a body corporate, to a fine not exceeding two hundred thousand ringgit for each animal, plant, or readily recognizable part or derivative of the animal or plant, of the scheduled species but such fine shall not exceed in the aggregate of two million ringgit.</p>

B Sabah Wildlife Conservation Enactment 1997	
AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
53	<p>(1) No person shall—</p> <p>a. bring or cause to be brought into the State; or</p> <p>b. take or cause to be taken out of the State, by land, sea or air any live protected animal or animal product of a protected animal except under the authority of permit granted by the Director upon such conditions as may be specified therein and subject to the payment of such fee as may be prescribed.</p> <p>(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine of fifty thousand ringgit or to imprisonment for five years or to both.</p>
63	<p>(1) No person shall—</p> <p>a. bring or cause to be brought into the State; or</p> <p>b. take or cause to be taken out of the State, by land, sea or air any protected plant except under the authority of a permit granted by the Director upon such conditions as may be specified therein and subject to the payment of such fee as maybe prescribed.</p> <p>(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine of fifty thousand ringgit or to imprisonment for five years or to both.</p>

C Sarawak Wildlife Protection Ordinance 1998	
AGENCY	Sarawak Ministry of Forestry
ARTICLE NO.	PROVISIONS
29	Please see earlier reference to Article 29 in Section 3.7 Hunting of Wildlife.
30	Please see earlier reference to Article 30 in section 3.1 Criminalization of Trafficking in Wildlife and Timber.
31	Please see earlier reference to Article 31 in section 3.1 Criminalization of Trafficking in Wildlife and Timber.
33	Please see earlier reference to Article 33 in section 3.1 Criminalization of Trafficking in Wildlife and Timber.

D Wildlife Conservation Act 2010	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
65	Any person who imports, exports or re-exports any protected wildlife or any part or derivative of a protected wildlife without a licence commits an offence and shall, on conviction, be liable to a fine of not less than twenty thousand ringgit and not more than fifty thousand ringgit and to imprisonment for a term not exceeding one year.
71	Any person who imports, exports or re-exports any totally protected wildlife or any part or derivative of a totally protected wildlife without a special permit commits an offence and shall, on conviction, be liable to a fine of not less than thirty thousand ringgit and not more than one hundred thousand ringgit and to imprisonment for a term not exceeding three years.

3.11 ILLEGAL POSSESSION OF PROTECTED WILDLIFE

A International Trade in Endangered Species Act 2008	
AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
12	See Article 12 of International Trade in Endangered Species Act 2008 in Section 3.1 “Criminalization of Trafficking of Wildlife and Timber” above.

B Sabah Wildlife Conservation Enactment 1997	
AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
41	<p>No person shall</p> <ol style="list-style-type: none"> (1) possess any animal of a species listed in Part I of Schedule 1 or an animal product of an animal listed in Part I of Schedule 1 unless authorised in writing by the Minister acting on the advice of the Director. (2) No person shall possess any other protected animal or animal product thereof unless such animal or animal product has been lawfully imported, obtained under the authority of a valid licence or permit, through operation of the law or in consequence of the death of any person or has been purchased in accordance with section 48(2). (3) The burden of proving lawful possession of any animal or animal product shall be upon the person possessing such animal or animal product. (4) A person who contravenes subsection (1) or subsection (2) commits an offence and shall be liable on conviction, in the case of an offence relating to an animal or an animal product of a species listed in Appendix I or Part I of Schedule 1, to a fine of fifty thousand ringgit or to imprisonment for five years or to both and, in the case of an animal or an animal product of a species listed in Appendix II, Part I of Schedule 2 or Schedule 3, to a fine of thirty thousand ringgit or to imprisonment for three years or to both.

C Sarawak Wildlife Protection Ordinance 1998	
AGENCY	Sarawak Ministry of Forestry
ARTICLE NO.	PROVISIONS
24	Please see earlier reference to Article 24 in Section 3.1 “Criminalization of Trafficking in Wildlife and Timber”.
29	Please see earlier reference to Article 29 in Section 3.1 “Criminalization of Trafficking in Wildlife and Timber”.

3.12 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A *International Trade in Endangered Species Act 2008*

AGENCY Department of Wildlife and National Parks (PERHILITAN)

ARTICLE NO. PROVISIONS

- 23
- (1) If it appears to a Magistrate, upon written information on oath and after such enquiry as the Magistrate considers necessary, that there is reasonable cause to believe that-
 - a. any premises has been used or are about to be used for; or
 - b. there is in any premises evidence necessary to the conduct of an investigation into, the commission of an offence under this Act, the Magistrate may issue a warrant authorizing any enforcement officer named therein, at any reasonable time by day or by night and with or without assistance, to enter the premises and if need be by force.
 - (2) A warrant issued under subsection (1) may authorize the enforcement officer to-
 - a. search the premises for, and to seize or remove from the premises any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article that is reasonably believed to furnish evidence of the commission of such offence;
 - b. take samples of any scheduled species or thing found in the premises for the purposes of ascertaining, by testing or otherwise, whether the offence has been committed; and
 - c. make copies of or take extracts from any book, record, document or other article found in the premises.
 - (3) An enforcement officer entering any premises under this section may take with him such other persons and equipment as may appear to him to be necessary.
 - (4) An enforcement officer may, in the exercise of his powers under this section, if it is necessary so to do,-
 - a. break open any outer or inner door of the premises or any fence, enclosure, gate or other obstruction to the premises, in order to effect entry into the premises;
 - b. remove by force any obstruction to entry, search, seizure and removal as he is empowered to effect under this section; and
 - c. detain any person found in the premises until the search has been completed.
 - (5) Where, by reason of its nature, size or amount, it is not practicable to remove any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this section, the enforcement officer shall, by any means, seal such scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article in the premises or container in which it is found.
 - (6) A person who, without lawful authority, breaks, tampers with or damages the seal referred to in subsection (5) or removes the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article under seal, or attempts to do so commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or imprisonment for a term not exceeding three years or to both..

- 24
- Whenever an enforcement officer has reasonable cause to believe that any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article in respect of which an offence under this Act has been committed is likely to be found in or on any premises, person or conveyance and that by reason of delay in obtaining a warrant under section 23 the object of the search may be frustrated, he may, without warrant, with such assistance and force as is necessary-
- a. enter and search such premises;
 - b. stop and search such person or conveyance; and
 - c. seize any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article which may be found and may be evidence of the commission of such offence.

A Section continued

ARTICLE NO.	PROVISIONS
27	Without prejudice to subsection 23(2) and section 24, any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article that an authorized officer reasonably suspects has been used or will be used in the commission of any offence under this Act may be seized and detained by the enforcement officer.
28	<p>(1) If an enforcement officer has reasonable cause to suspect that any conveyance is carrying any scheduled species, machinery, contrivance, equipment, book, record, document or other article in respect of which an offence under this Act is being or has been committed, he may stop and examine the conveyance and may, if on examination he has reasonable cause to believe that such conveyance is or has been used for the commission of such offence, seize such conveyance and any scheduled species machinery, contrivance, equipment, book, record, document or other article found in the conveyance that is reasonably believed to furnish evidence of the commission of such offence.</p> <p>(2) The person in control or in charge of the conveyance shall, if required to do so by the enforcement officer-</p> <ul style="list-style-type: none">a. stop the conveyance and allow the enforcement officer to examine it; andb. open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the enforcement officer considers necessary. <p>(3) A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding three years or to both.</p>
34	<p>(1) Any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article seized in exercise of any power conferred under this Act shall be liable to forfeiture.</p> <p>(2) An order for the forfeiture of the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article shall be made if it is proved to the satisfaction of the court that an offence under this Act has been committed and that the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article was the subject-matter of or was used in the commission of the offence, even though no person has been convicted of such offence.</p> <p>(3) If there is no prosecution with regard to any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Act, such scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article shall be taken and deemed to be forfeited at the expiration of a period of one calendar month from the date of service of a notice to the last known address of the person from whom the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article was seized indicating that there is no prosecution in respect of such scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article unless before the expiration of that period a claim thereto is made in the manner set out in subsections (4), (5), (6) and (7).</p> <p>(8) Any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article forfeited or deemed to be forfeited shall be delivered to the Management Authority and shall be disposed of in such manner as the Management Authority thinks fit, including repatriation under subsection (9) if the Management Authority so decides.</p>

B Sabah Wildlife Conservation Enactment 1997	
AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
89	<p>(1) Subject to section 90, an authorised officer may, where he has reasonable grounds to believe that an offence is being or has been committed against this Enactment—</p> <p>d. seize any animal, animal product including meat, plant in respect of which he believes that an offence under this Enactment has been committed;</p> <p>e. seize and detain any livestock or domestic animal found unlawfully within the boundaries of any protected area;</p> <p>(2) Any animal, animal product including meat, plant, weapon, vehicle or other thing that may be seized pursuant to subsection (1) may be so seized whether or not any owner or person in possession or control thereof can be found.</p>

C Sarawak Wildlife Protection Ordinance 1998	
AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
48	<p>(1) Where there is reason to believe that an offence under this Ordinance has been committed, any animal or any recognizable part or derivative thereof, or any plant or any recognizable part or derivative thereof, together with all weapons, instruments, machinery and contrivances used in the commission of such offence, may be seized by any Wild Life Officer, police officer or customs officer.</p>

D Wildlife Conservation Act 2010	
AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
94	<p>(2) Without affecting the generality of subsection (1), a warrant issued by the Magistrate may authorize the enforcement officer to—</p> <p>a. search the premises for, and to seize or remove from the premises, any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing that is reasonably believed to furnish evidence of the commission of such offence;</p> <p>b. take samples of any wildlife, part or derivative of any wildlife or thing found in the premises for the purposes of ascertaining, by testing or otherwise, whether the offence has been committed; and</p> <p>(7) Where, by reason of its nature, size or amount, it is not practicable to remove any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing seized under this section, the enforcement officer shall, by any means, seal such wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing in the premises or container in which it is found.</p>

3.13 SALE OF CONFISCATED SPECIMENS

A Wildlife Conservation Act 2010	
AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
121	<p>(1) Any Wildlife -</p> <p>a. which is hunted under section 53, 54 or 55 or in contravention of the provisions of this Act or any of its subsidiary legislation; or</p> <p>b. whose unclaimed carcass is found in any State land or permanent reserved forest or any other land,</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	may be sold or disposed of by the Director as he thinks fit.
(2)	All moneys received under this section shall be paid into and form part of the Consolidated Fund of the State where the wildlife was hunted or whose unclaimed carcass was found.

B Sabah Wildlife Conservation Enactment 1997	
AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
92	<p>(1) Subject to subsection (4), any dead animal, meat, plant or other perishable thing seized in accordance with section 89 may, with the approval of the Director, be sold or otherwise disposed of, and any proceeds of such sale or disposal shall be held by the Director pending the outcome of any Court proceeding under this Enchantment. XXX</p> <p>(2) Any animal, meat, plant or other perishable thing of or originating from a species listed in Appendix I or Schedule 1 seized in accordance with section 89 may not be disposed of under this section so as to become an object of trade.</p>

3.14 HANDLING PROCEDURE FOR LIVE AND DEAD CONFISCATED SPECIMEN

A International Trade and Endangered Species Act 2008	
AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
34	<p>(1) Any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article seized in exercise of any power conferred under this Act shall be liable to forfeiture.</p> <p>(2) An order for the forfeiture of the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article shall be made if it is proved to the satisfaction of the court that an offence under this Act has been committed and that the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article was the subject-matter of or was used in the commission of the offence, even though no person has been convicted of such offence.</p> <p>(3) If there is no prosecution with regard to any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Act, such scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article shall be taken and deemed to be forfeited at the expiration of a period of one calendar month from the date of service of a notice to the last known address of the person from whom the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article was seized indicating that there is no prosecution in respect of such scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article unless before the expiration of that period a claim thereto is made in the manner set out in subsections (4), (5), (6) and (7).</p> <p>(4) Any person asserting that he is the owner of the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article referred to in subsection (3) and that it is not liable to forfeiture may personally or by his agent authorized in writing, give written notice to the enforcement officer in whose possession such scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article is held that he claims the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article.</p> <p>(5) On receipt of the notice referred to in subsection (4), the enforcement officer shall refer the claim to a Magistrate of the First Class for his decision.</p> <p>(6) The Magistrate to whom a matter is referred under subsection (5) shall issue a summons requiring the person asserting that he is the owner of the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article and the</p>

A Section continued

ARTICLE NO.	PROVISIONS
	<p>person from whom it was seized to appear before him, and when they appear or they fail to appear, due service of the summons having been proved, the Magistrate shall proceed to the examination of the matter.</p> <p>(7) If it is proved that an offence under this Act has been committed and that the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article referred to in subsection (6) was the subject-matter of or was used in the commission of such offence, the Magistrate shall order the scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article to be forfeited, and shall, in the absence of such proof, order its release.</p> <p>(8) Any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article forfeited or deemed to be forfeited shall be delivered to the Management Authority and shall be disposed of in such manner as the Management Authority thinks fit, including repatriation under subsection (9) if the Management Authority so decides.</p> <p>(9) When a decision of repatriation is made under this Act in respect of any scheduled species which has been imported or introduced from the sea into Malaysia in contravention of this Act, and the scheduled species was brought into Malaysia in a conveyance, the owner or importer of the scheduled species or his agent shall, if required in writing by the Management Authority, provide or be responsible for-</p> <ol style="list-style-type: none"> free passage for the return of the scheduled species to the place at which the scheduled species was shipped to Malaysia, or to any other port or place designated by the Management Authority; and proper maintenance and housing of the scheduled species during the voyage, flight or journey.
35	Any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article forfeited or deemed to be forfeited under this Act shall be the property of the Management Authority.
36	Notwithstanding section 34, the Management Authority may, where it thinks fit, at any time direct that any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Act be released to the person from whose possession, custody or control it was seized.

B Sabah Wildlife Conservation Enactment 1997

AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
92	<p>(1) Subject to subsection (4), any dead animal, meat, plant or other perishable thing seized in accordance with section 89 may, with the approval of the Director, be sold or otherwise disposed of, and any proceeds of such sale or disposal shall be held by the Director pending the outcome of any Court proceeding under this Enactment.</p> <p>(2) In the event that the Court finds the seizure wrongful or that no offence has been committed, the Court may order that such proceeds be paid to the person from whom the animal or thing was seized.</p> <p>(3) Where any live animal is seized in accordance with section 89, it may be released or destroyed at the discretion of the seizing officer where he considers such act desirable in order to prevent undue suffering or for other good and sufficient reason.</p> <p>(4) Any animal, meat, plant or other perishable thing of or originating from a species listed in Appendix I or Schedule 1 seized in accordance with section 89 may not be disposed of under this section so as to become an object of trade.</p>

C Wildlife Conservation Act 2010**AGENCY** Ministry of Tourism, Culture and Environment**ARTICLE NO. PROVISIONS**

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| 105 | <p>(1) Where an enforcement officer in exercising his powers under this Part seizes any wildlife or part or derivative of any wildlife, he may immediately produce the wildlife or part or derivative of any wildlife before a Magistrate who shall order that the wildlife or part or derivative of any wildlife be released or disposed of.</p> <p>(2) Notwithstanding subsection (1), where by reason of—</p> <ul style="list-style-type: none">a. the nature, size or amount of the wildlife or part or derivative of any wildlife; orb. distance or circumstances, <p>it is not practicable to bring the wildlife or part or derivative of any wildlife before a Magistrate, the Director may order the wildlife or part or derivative of any wildlife to be released or disposed of as he thinks fit.</p> |
| 110 | <p>(1) Any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing seized in the exercise of any powers under this Act shall be liable to forfeiture.</p> <p>(2) An order for the forfeiture of any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing seized and liable to forfeiture under this Act shall be made by the court before which the prosecution with regard thereto has been held and an order for the forfeiture of the things seized shall be made if it is proved to the satisfaction of the court that an offence under this Act or any of its subsidiary legislation has been committed and that the wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing was the subject matter of or was used in the commission of the offence, even though no person has been convicted of such offence.</p> <p>(3) If there is no prosecution with regard to any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing seized under this Act, such wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing shall be taken and deemed to be forfeited at the expiration of a period of one calendar month from the date of service of a notice to the last-known address of the person from whom the wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing was seized indicating that there is no prosecution in respect of such wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing, unless before the expiration of that period a claim to it is made in the manner set out in subsections (4), (5), (6) and (7).</p> <p>(4) Any person asserting that he is the owner of the wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing referred to in subsection (3) and that the wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing is not liable to forfeiture may personally or by his agent authorized in writing, give written notice to the enforcement officer in whose possession such wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing is held that he claims the wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or</p> <p>(5) On receipt of the notice referred to in subsection (4), the enforcement officer shall refer the claim to a Magistrate of the First Class for his decision.</p> <p>(6) The Magistrate to whom a matter is referred under subsection (5) shall issue a summons requiring the person asserting that he is the owner of the wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing and the person from whom it was seized to appear before the Magistrate, and when they appear or they fail to appear, due service of the summons having been proved, the Magistrate shall proceed to the examination of the matter.</p> |

C Section continued	
ARTICLE NO.	PROVISIONS
	<p>(7) If it is proved that an offence under this Act or any of its subsidiary legislation has been committed and that such wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing referred to in subsection (6) was the subject matter of or was used in the commission of such offence, the Magistrate shall order the wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing to be forfeited, and shall, in the absence of such proof, order its release.</p> <p>(8) Any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing forfeited or deemed to be forfeited shall be delivered to the Director General and shall be disposed of in such manner as the Director General thinks fit.</p>
111	Any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing forfeited or deemed to be forfeited under this Act shall be the property of the Government.
112	Where any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing seized under this Act is held in the custody of the Government pending completion of any proceedings in respect of an offence under this Act, the cost of holding it in custody shall, in the event of any person being convicted of such offence, be a debt due to the Government, by such person and shall be recoverable accordingly.

3.15 REPATRIATION OF CONFISCATED SPECIMEN

A *International Trade in Endangered Species Act 2008*

AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
34	<p>(9) When a decision of repatriation is made under this Act in respect of any scheduled species which has been imported or introduced from the sea into Malaysia in contravention of this Act, and the scheduled species was brought into Malaysia in a conveyance, the owner or importer of the scheduled species or his agent shall, if required in writing by the Management Authority, provide or be responsible for-</p> <p>a. free passage for the return of the scheduled species to the place at which the scheduled species was shipped to Malaysia, or to any other port or place designated by the Management Authority; and</p> <p>b. proper maintenance and housing of the scheduled species during the voyage, flight or journey.</p>

3.16 DISPOSAL OF CONFISCATED SPECIMEN

A *International Trade in Endangered Species Act 2008*

AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
34	<p>(8) Any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article forfeited or deemed to be forfeited shall be delivered to the Management Authority and shall be disposed of in such manner as the Management Authority thinks fit, including repatriation under subsection (9) if the Management Authority so decides.</p>

B Sabah Wildlife Conservation Enactment 1997**AGENCY** Ministry of Tourism, Culture and Environment**ARTICLE NO. PROVISIONS**

92

- (1) Subject to subsection (4), any dead animal, meat, plant or other perishable thing seized in accordance with section 89 may, with the approval of the Director, be sold or otherwise disposed of, and any proceeds of such sale or disposal shall be held by the Director pending the outcome of any Court proceeding under this Enactment.
- (2) In the event that the Court finds the seizure wrongful or that no offence has been committed, the Court may order that such proceeds be paid to the person from whom the animal or thing was seized.
- (3) Where any live animal is seized in accordance with section 89, it may be released or destroyed at the discretion of the seizing officer where he considers such act desirable in order to prevent undue suffering or for other good and sufficient reason.
- (4) Any animal, meat, plant or other perishable thing of or originating from a species listed in Appendix I or Schedule 1 seized in accordance with section 89 may not be disposed of under this section so as to become an object of trade.

93

- (1) Subject to section 91, any person arrested and any article or thing seized shall be brought before a Court of competent jurisdiction without undue delay.
- (2) Where any person arrested under subsection (1) is released without charge or the prosecution of that person is not proceeded with, any article or thing seized or the proceeds of sale thereof shall, unless it is an animal or animal product which is the property of the Government, subject to section 92(3), be returned to that person.
- (3) Where the Court holds an animal or an animal product belonging to the Government brought before the Court under subsection (1), and no prosecution is proceeded with within three months of the animal or animal product being brought to the Court, the Court shall return the animal or animal product to the Government.
- (4) Where the Court holds any article or thing seized under section 89 and a person who has been properly charged with an offence in relation thereto within three months of the seizure fails to appear to answer the charge, the Director may apply to the Court for such article or thing to be forfeited to the Government and the Court shall make such order as it shall consider just.
- (5) Where the Court fails or refuses to make an order for forfeiture under subsection (4), the Director may appeal to the High Court against such failure or refusal and the decision of the High Court shall be final.
- (6) Subject to section 92, where an article or thing is seized under section 89 and no person is arrested, the article or thing, except an animal or animal product being the property of the Government, shall be returned to such person who satisfies an authorised officer that he is the lawful owner thereof.
- (7) If the lawful owner of an article or thing seized under section 89 cannot be traced within thirty days of such seizure, it shall be forfeited to the Government and, subject to subsection (8), may be disposed of as the Director in his discretion shall consider fit and any proceeds of sale thereof shall be paid into the State Consolidated Fund.
- (8) Where an animal, animal product or plant of or originating from a species listed in Appendix I or Schedule 1 is forfeited under subsection (7), it shall not be disposed of so as to become an object of trade.
- (9) The Director may cause any animal product or any weapon found or seized by him to be destroyed in such manner as he considers fit.

C Sarawak Wildlife Protection Ordinance 1998	
AGENCY	Sarawak Ministry of Forestry
ARTICLE NO.	PROVISIONS
50	Where the trial of any offence under this Disposal of Ordinance is concluded, any property that has been property seized in relation thereto shall be disposed of as the court may order.

D Wildlife Conservation Act 2010	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
105	<p>(1) Where an enforcement officer in exercising his powers under this Part seizes any wildlife or part or derivative of any wildlife, he may immediately produce the wildlife or part or derivative of any wildlife before a Magistrate who shall order that the wildlife or part or derivative of any wildlife be released or disposed of.</p> <p>(2) Notwithstanding subsection (1), where by reason of—</p> <ol style="list-style-type: none"> a. the nature, size or amount of the wildlife or part or derivative of any wildlife; or b. distance or circumstances, <p>it is not practicable to bring the wildlife or part or derivative of any wildlife before a Magistrate, the Director may order the wildlife or part or derivative of any wildlife to be released or disposed of as he thinks fit.</p>

3.17 ESTABLISHMENT OF RESCUE CENTER TO LOOK AFTER WELFARE OF LIVE SPECIMEN

A International Trade in Endangered Species Act 2008	
AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
54	<p>(1) The Minister may make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.</p> <p>(2) Without prejudice to the generality of subsection (1), regulations may be made for the following purposes:</p> <ol style="list-style-type: none"> a. to prescribe the form, duration, terms, conditions and restrictions of any permit, certificate or registration, and to provide for the cancellation and suspension of the permit, certificate or registration; b. to prescribe all matters relating to Rescue Centers; c. to prescribe all matters relating to captive bred animals and artificially propagated plants or animals; d. to prescribe all matters relating to the branding, packaging, marking either permanently or temporarily and labeling of scheduled species for the purpose of identification; e. to prescribe the offences which may be compounded; f. to prescribe the records and documents to be kept; g. to prescribe the forms for the purposes of this Act; h. to prescribe fees and charges which may be prescribed under this Act; or i. to provide for such other matters as are contemplated by, or necessary for giving full effect to, the provisions of this Act and for their due administration. <p>(3) Regulations made under subsection (1) may prescribe any act in contravention of the regulations to be an offence and may prescribe penalties of a fine not exceeding two hundred thousand ringgit or imprisonment for a term not exceeding five years or both for such offence.</p>

3.18 COMPENSATION FOR VICTIMS/ REHABILITATION/ COSTS OF REPATRIATION OF SEIZED WILDLIFE

A *International Trade In Endangered Species Act 2008*

AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
121	Where any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Act is held in the custody of the Management Authority pending completion of any proceedings in respect of an offence under this Act, the cost of holding it in custody shall, in the event of any person being convicted of such offence, be a debt due to the Management Authority or Government, as the case may be, by such person and shall be recoverable accordingly.

3.19 REWARD FOR INFORMANTS

International Trade in Endangered Species Act 2008

AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
51	The Management Authority may order such rewards as it thinks fit to be paid to any person for services rendered in connection with the detection of any offence under this Act, or in connection with any seizures made under this Act.

B *Wildlife Conservation Act 2010*

AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
131	The Director General may order such rewards as he thinks fit to be paid to any person for services rendered in connection with the detection of any offence under this Act or any of its subsidiary legislation, or in connection with any seizures made under this Act.

C *Sabah Wildlife Conservation Enactment 1997*

AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
97	<ol style="list-style-type: none">(1) Unless the Court is of the opinion that justice cannot otherwise be done, no witness shall in proceedings under this Enactment reveal the identity of an informer or any matter that may lead to the discovery of the informer.(2) The Court shall take such other steps as it shall consider necessary to conceal the identity of an informer including the concealing of references to the informer in documents produced before the Court.(3) The Director may order such reward as he may deem fit to be paid to any informer for services rendered in connection with any offence or seizure made under this Enactment.

D *Sarawak Wildlife Protection Ordinance 1998*

AGENCY	Sarawak Ministry of Forestry
ARTICLE NO.	PROVISIONS
54	<ol style="list-style-type: none">(1) Where, in any proceedings under this informers. Ordinance, any fine is imposed, the court may award any sum or sums not exceeding one-half the total fine collected to any informer or informers.(2) For the purpose of this section, informers shall exclude the Controller or any officer appointed under section 3(2).

3.20 ENFORCEMENT POWERS – ENTRY, SEARCH, SEIZURE, ARREST

A *International Trade in Endangered Species Act 2008*

AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
22	<p>(1) An enforcement officer may arrest without warrant any person-</p> <ul style="list-style-type: none">a. found committing or attempting to commit or abetting the commission of an offence under this Act; orb. whom the enforcement officer reasonably suspects of being engaged in committing or attempting to commit or abetting an offence under this Act. <p>(2) An enforcement officer making an arrest under subsection (1) shall, without unnecessary delay, bring the person arrested to the nearest police station, and thereafter the person shall be dealt in accordance with the law relating to criminal procedure for the time being in force.</p>
23	<p>(1) If it appears to a Magistrate, upon written information on oath and after such enquiry as the Magistrate considers necessary, that there is reasonable cause to believe that-</p> <ul style="list-style-type: none">a. any premises has been used or are about to be used for; orb. there is in any premises evidence necessary to the conduct of an investigation into, the commission of an offence under this Act, the Magistrate may issue a warrant authorizing any enforcement officer named therein, at any reasonable time by day or by night and with or without assistance, to enter the premises and if need be by force. <p>(2) A warrant issued under subsection (1) may authorize the enforcement officer to-</p> <ul style="list-style-type: none">a. search the premises for, and to seize or remove from the premises any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article that is reasonably believed to furnish evidence of the commission of such offence;b. take samples of any scheduled species or thing found in the premises for the purposes of ascertaining, by testing or otherwise, whether the offence has been committed; andc. make copies of or take extracts from any book, record, document or other article found in the premises. <p>(3) An enforcement officer entering any premises under this section may take with him such other persons and equipment as may appear to him to be necessary.</p> <p>(4) An enforcement officer may, in the exercise of his powers under this section, if it is necessary so to do,-</p> <ul style="list-style-type: none">a. break open any outer or inner door of the premises or any fence, enclosure, gate or other obstruction to the premises, in order to effect entry into the premises;b. remove by force any obstruction to entry, search, seizure and removal as he is empowered to effect under this section; andc. detain any person found in the premises until the search has been completed. <p>(5) Where, by reason of its nature, size or amount, it is not practicable to remove any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this section, the enforcement officer shall, by any means, seal such scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article in the premises or container in which it is found.</p>
24	<p>Whenever an enforcement officer has reasonable cause to believe that any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article in respect of which an offence under this Act has been committed is likely to be found in or on any premises, person or conveyance and that by reason of delay in obtaining a warrant under section 23 the object of the search may be frustrated, he may, without warrant, with such assistance and force as is necessary-</p> <ul style="list-style-type: none">a. enter and search such premises;b. stop and search such person or conveyance; andc. seize any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article which may be found and may be evidence of the commission of such offence.

A Section continued	
ARTICLE NO.	PROVISIONS
25	<p>Notwithstanding sections 23 and 24, an enforcement officer may at any time enter any premises for the purpose of-</p> <ol style="list-style-type: none"> a. inspecting any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article as he considers necessary; b. verifying the accuracy of records or statements or any information given to an enforcement officer; or c. collecting samples of any scheduled species.
27	<p>Without prejudice to subsection 23(2) and section 24, any scheduled species, conveyance, machinery, contrivance, equipment, book, record, document or other article that an authorized officer reasonably suspects has been used or will be used in the commission of any offence under this Act may be seized and detained by the enforcement officer.</p>
28	<ol style="list-style-type: none"> (1) If an enforcement officer has reasonable cause to suspect that any conveyance is carrying any scheduled species, machinery, contrivance, equipment, book, record, document or other article in respect of which an offence under this Act is being or has been committed, he may stop and examine the conveyance and may, if on examination he has reasonable cause to believe that such conveyance is or has been used for the commission of such offence, seize such conveyance and any scheduled species machinery, contrivance, equipment, book, record, document or other article found in the conveyance that is reasonably believed to furnish evidence of the commission of such offence. (2) The person in control or in charge of the conveyance shall, if required to do so by the enforcement officer- <ol style="list-style-type: none"> a. stop the conveyance and allow the enforcement officer to examine it; and b. open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the enforcement officer considers necessary. (3) A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding three years or to both.
B Sabah Wildlife Conservation Enactment 1997	
AGENCY	Ministry of Tourism, Culture and Environment
ARTICLE NO.	PROVISIONS
88	<p>An authorised officer</p> <ol style="list-style-type: none"> (1) may, for the purpose of determining whether an offence has been committed against this Enactment— <ol style="list-style-type: none"> a. require any person to produce for inspection any licence or permit required to be held by such person under this Enactment for doing any act or carrying out any activity which the officer sees the person doing or carrying out or believes on reasonable grounds that the person has done or carried out; b. inspect any weapon, ammunition, animal, animal product, meat, plant, trap, net, poison or article in such person's possession; and c. require such person to furnish his full name and address and to produce adequate means of identification. (2) An authorised officer may, for the purpose of the enforcement of this Enactment— <ol style="list-style-type: none"> a. require any vehicle, aircraft, boat or other means of conveyance to stop; b. enter any vehicle, aircraft, boat or other means of conveyance with or without assistance to inspect the same; c. upon an inspection under paragraph (b) of this subsection, require the person in charge of the vehicle, aircraft, boat or other conveyance to— <ol style="list-style-type: none"> (i) produce any manifest or other documents listing the cargo on board; and

B Section continued

ARTICLE NO.	PROVISIONS
	<p>(ii) answer any questions concerning such cargo or any other contents of the vehicle, aircraft, boat or other conveyance.</p> <p>(3) If upon an inspection under subsection (1) or (2), an authorised officer has reasonable grounds to believe that an offence against this Enactment is being or has been committed, he may exercise such of the powers provided under section 89 as may be appropriate.</p>
89	<p>(1) Subject to section 90, an authorised officer may, where he has reasonable grounds to believe that an offence is being or has been committed against this Enactment—</p> <ul style="list-style-type: none">a. enter and search with or without assistance any land, building, camp, tent or other premises or any vehicle, aircraft, boat, or other means of conveyance and open and search any baggage, pack or other thing;b. require any person to produce for inspection or copying in whole or in part any record or other document that the officer believes on reasonable grounds contains any information relevant to the administration of this Enactment;c. seize any weapon, ammunition, trap, snare, light, explosive, poison, chemical, machinery, equipment, vehicle, boat, pack animal, aircraft, mobile telephone or other thing that he believes has been used in the commission of such offence;d. seize any animal, animal product including meat, plant in respect of which he believes that an offence under this Enactment has been committed;e. seize and detain any livestock or domestic animal found unlawfully within the boundaries of any protected area; <p>(i) arrest without warrant any person who he has reasonable grounds to believe is committing or has committed such offence and use such force as may be reasonably necessary to effect such arrest, unless he is satisfied that such person will appear and answer any charge that may be preferred against him.</p> <p>(2) Any animal, animal product including meat, plant, weapon, vehicle or other thing that may be seized pursuant to subsection (1) may be so seized whether or not any owner or person in possession or control thereof can be found.</p> <p>(3) For the purpose of carrying out the powers provided under subsection (1)(a), an authorised officer may break open any hold or compartment or any container or other receptacle (including any place or thing that could be used as a receptacle) on any vehicle, aircraft, boat or premises.</p> <p>(4) In carrying out a search under this section in any place, an authorised officer may—</p> <ul style="list-style-type: none">a. use or cause to be used any data processing system at the place for the purpose of examining any data contained in or available to the system; andb. reproduce any record or cause to be reproduced from the data in the form of a printout or other intelligible output and take the printout for examining or copying and use or cause to be used any copying equipment at the place to make copies of any record or other document.
90	<p>(1) An authorised officer may not enter a dwelling place, except with the consent of the occupier or under the authority of a warrant.</p> <p>(2) When on an ex-parte application, a Magistrate is satisfied that—</p> <ul style="list-style-type: none">a. there are reasonable grounds to believe that any thing in respect of which an offence against this Enactment has been committed is likely to be found in a dwelling place;b. entry to the dwelling place is necessary for any purpose relating to the enforcement of the provisions of this Enactment; andc. entry to the dwelling place has been refused or there are reasonable grounds to believe that entry will be refused, he may at any time sign and issue a warrant authorising the authorised officer named in the warrant to search the dwelling place subject to any conditions that may be specified in the warrant. <p>(3) An authorised officer may use such force as may be reasonably necessary to execute a warrant under this section.</p>

C Sarawak Wildlife Protection	
AGENCY	Sarawak Ministry of Forestry
ARTICLE NO.	PROVISIONS
45	<p>(1) Any Wild Life Officer, police officer or customs officer may, without warrant, arrest any person who is reasonably suspected of having committed an offence against this Ordinance, if such person refuses to give his name and address, or gives a name and address which the officer has reasonable grounds for believing to be false, or if such officer has reasonable grounds for believing that, unless such person is arrested, he may escape, or that an unreasonable amount of delay, trouble or expense in making him answerable to justice will ensue.</p> <p>(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the officer-in-charge of the nearest police station, or to an officer empowered to compound the offence in accordance with section 47.</p> <p>(3) Whenever a Wild Life Officer, police officer or customs officer has reasonable cause to suspect that an offence under this Ordinance has been committed, he may enter upon any land or premises for the purposes of carrying out the provisions of this Ordinance, or for the purpose of preventing or detecting offences under this Ordinance, and may search any vessel, vehicle, building, enclosure or place under the control of the person suspected, his agents or servants:</p> <p>Provided that no woman shall be searched under this subsection except by a woman.</p>
48	<p>(1) Where there is reason to believe that an offence under this Ordinance has been committed, any animal or any recognizable part or derivative thereof, or any plant or any recognizable part or derivative thereof, together with all weapons, instruments, machinery and contrivances used in the commission of such offence, may be seized by any Wild Life Officer, police officer or customs officer.</p> <p>(2) Every officer seizing any property under this section shall place on such property, or on the receptacle, if any, in which it has been contained, a mark indicating that it has been so seized, and shall, without unnecessary delay, make a report of such seizure to a Magistrate having jurisdiction to try the offence in respect of which the seizure has been made:</p> <p>Provided that, in any case where such property has been seized in connection with an offence compounded under section 47, it shall not be necessary to report to a Magistrate the seizure thereof, and such property shall be disposed of in such manner as the Controller shall think fit.</p>
49	Where there is reason to believe that an offence under this Ordinance has been committed by a person who is unknown or cannot be found, all property seized under section 48 in respect of the offence shall be taken possession of by a Wild Life Officer not below the rank of Chief Wild Life Warden who shall report the seizure to a Magistrate, and the Magistrate shall deal with the property as if it were the subject of a report to him under section 413 of the Criminal Procedure Code.
D Wildlife Conservation Act 2010	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
93	<p>(1) An enforcement officer may arrest without warrant any person whom he reasonably believes has committed or is attempting to commit an offence under this Act or any of its subsidiary legislation.</p> <p>(2) An enforcement officer making an arrest under subsection (1) shall, without unnecessary delay, bring the person arrested to the nearest police station, and thereafter the person shall be dealt in accordance with the law relating to criminal procedure for the time being in force.</p>
94	(1) If it appears to a Magistrate, upon written information on oath from an enforcement officer and after such inquiry as the Magistrate considers necessary, that there is reasonable cause to believe that—

D Section continued

ARTICLE NO.	PROVISIONS
	<p>a. any premises has been used; or</p> <p>b. there is in any premises evidence necessary to the conduct of an investigation into, the commission of an offence under this Act or any of its subsidiary legislation, the Magistrate may issue a warrant authorizing the enforcement officer named in the warrant, at any reasonable time by day or by night and with or without assistance, to enter the premises and if need be by force.</p> <p>(2) Without affecting the generality of subsection (1), a warrant issued by the Magistrate may authorize the enforcement officer to—</p> <p>a. search the premises for, and to seize or remove from the premises, any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing that is reasonably believed to furnish evidence of the commission of such offence;</p> <p>b. take samples of any wildlife, part or derivative of any wildlife or thing found in the premises for the purposes of ascertaining, by testing or otherwise, whether the offence has been committed; and</p> <p>c. make copies of or take extracts from any book, record, document or thing found in the premises.</p> <p>(3) An enforcement officer entering any premises under this section may take with him such other person and equipment as may appear to him to be necessary.</p> <p>(4) An enforcement officer conducting a search under subsection (1) may, for the purpose of investigating into the offence, search any person who is in or on the premises.</p> <p>(5) An enforcement officer making a search of person under subsection (4) or section 95 may seize or take possession of, and place in safe custody all things, other than the necessary clothing found upon the person, and any of those things, which there is reason to believe were the instruments or other evidence of the offence may be detained until the discharge or acquittal of the person.</p> <p>(6) An enforcement officer may, in the exercise of his powers under this section, if it is necessary so to do—</p> <p>a. break open any outer or inner door or window of the premises or any fence, enclosure, gate or other obstruction</p> <p>b. remove by force any obstruction to entry, search, seizure to the premises in order to effect entry into the premises and every part thereof; and removal as he is empowered to effect under this section; and has been completed.</p> <p>c. detain any person found in the premises until the search</p> <p>(7) Where, by reason of its nature, size or amount, it is not practicable to remove any wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing seized under this section, the enforcement officer shall, by any means, seal such wildlife, part or derivative of any wildlife, snare, trap, bait, poisoned bait, arms, conveyance, book, record, document or thing in the premises or container in which it is found.</p>
95	<p>If an enforcement officer is satisfied upon information received that he has reasonable cause to believe that by reason of delay in obtaining a search warrant under section 94 the investigation would be adversely affected or evidence of the commission of an offence is likely to be tampered with, removed, damaged or destroyed, the enforcement officer may enter the premises and exercise in, upon and in respect of the premises all the powers referred to in section 94 in as full and ample a manner as if he were authorized to do so by a warrant issued under that section.</p>
96	<p>No person shall be searched except by another person of the same gender, and such search shall be conducted with strict regard to decency.</p>
97	<p>Notwithstanding sections 94 and 95, an enforcement officer may enter without warrant any State land, reserved land, permanent reserved forest, alienated land and mining land for the purpose of preventing or detecting any offence under this Act or any of its subsidiary legislation.</p>

D Section continued	
ARTICLE NO.	PROVISIONS
98	<p>Notwithstanding sections 94 and 95, an enforcement officer may at any time enter any premises for the purposes of—</p> <ol style="list-style-type: none"> inspecting any wildlife, part or derivative of any wildlife, conveyance, book, record, document or thing as he considers necessary; verifying the accuracy of records or statements or any information given to an enforcement officer; or collecting samples of any wildlife or part or derivative of any wildlife.
99	<ol style="list-style-type: none"> An enforcement officer conducting a search under this Act shall be given access to computerized data whether stored in a computer or otherwise. For the purposes of this section, “access”— <ol style="list-style-type: none"> includes being provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of the computerized data; and has the meaning assigned to it by subsections 2(2) and (5) of the Computer Crimes Act 1997 [Act 563].

3.21 ESTABLISHMENT OF CONSERVATION FUND WHERE PROCEEDS FROM SEIZED ASSETS OF WILDLIFE OFFENCES GO TO A DEDICATED FUND, WHICH CAN BE USED BY ENFORCEMENT AGENCIES OF WENS

International Trade in Endangered Species Act 2008

AGENCY	Department of Wildlife and National Parks (PERHILITAN)
ARTICLE NO.	PROVISIONS
41	<p>All money received under this Act by a Management Authority shall be paid into and form part of-</p> <ol style="list-style-type: none"> where the Management Authority is under the jurisdiction of the Federal Government, the Consolidated Fund; where the Management Authority is under the jurisdiction of the State Government, the State Consolidated Fund; <p>or</p> <ol style="list-style-type: none"> where the Management Authority is a statutory body, the fund of the statutory body.

3.22 ANIMAL WELFARE

A Wildlife Conservation Act 2010

AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
86	<ol style="list-style-type: none"> Save as otherwise provided in this section, any person who— <ol style="list-style-type: none"> beats, kicks, infuriates, terrifies, tortures, declaws or defangs any wildlife; neglects to supply sufficient food or water to any wildlife which he houses, confines or breeds; keeps, houses, confines or breeds any wildlife in such manner so as to cause it unnecessary pain or suffering including the housing, confining or breeding of any wildlife in any premises which is not suitable for or conducive to the comfort or health of the wildlife; uses any wildlife for performing or assisting in the performance of any work or labour which by reason of any infirmity, wound, disease or any other incapacity it is unfit to perform; uses, provokes or infuriates any wildlife for the purpose of baiting it or for fighting with any other wildlife or animal, or manages any premises or place for any of these purposes; or

A *Section continued*

ARTICLE NO.	PROVISIONS
	<p>f. wilfully does or wilfully omits to do anything which causes any unnecessary suffering, pain or discomfort to any wildlife, commits an offence and shall, on conviction, be liable to a fine of not less than five thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both.</p> <p>(2) This section shall not apply to any person who wounds any wildlife in the course of lawfully hunting it under this Act.</p>

4 KEY PROVISIONS OF OTHER LAWS

4.1 PENAL CODE	
A <i>Penal Code 2013</i>	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
162	Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government, or with any member of the Cabinet or of Parliament or of a State Executive Council or Legislative Assembly, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.
170	Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.
416	A person is said to "cheat by personation", if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.
463	Whoever makes any false document or part of a document with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.
465	Whoever commits forgery shall be punished with imprisonment for a term which may extend to two years or with fine or with both.
468	Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.
471	Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

4.2 ANTI-MONEY LAUNDERING	
A <i>Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001</i>	
AGENCY	The enforcement of the Act is undertaken by various ministries/agencies based on the predicate offences under their respective purview which is listed under the Second Schedule of the Act.
ARTICLE NO.	PROVISIONS
4	<p>(1) Any person who—</p> <ol style="list-style-type: none"> a. engages in, or attempts to engage in; or b. abets the commission of, money laundering, commits an offence and shall on conviction be liable to a fine not exceeding five million ringgit or to imprisonment for a term not exceeding five years or to both. <p>(2) A person may be convicted of an offence under subsection (1) irrespective of whether there is a conviction in respect of a serious offence or foreign serious offence or that a prosecution has been initiated for the commission of a serious offence or foreign serious offence.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
84	<p>(1) The Minister of Finance or the Minister of Home Affairs, as the case may be, may make such regulations as are necessary or expedient to give full effect to or for carrying out the provisions of this Act.</p> <p>(2) Without prejudice to the generality of subsection (1), regulations may be made—</p> <p>to prescribe anything that is required or permitted to be prescribed under this Act;</p> <p>to provide that any act or omission in contravention of any provision of such regulations shall be an offence;</p> <p>to provide for the imposition of penalties for such offences which shall not exceed a fine of one million ringgit or imprisonment for a term not exceeding one year or both; and</p> <p>to provide for the imposition of an additional penalty for a continuing offence which shall not exceed one thousand ringgit for each day that the offence continues after conviction.</p>

4.3 CUSTOMS

A Customs Act 1967	
AGENCY	Royal Malaysian Customs Department
ARTICLE NO.	PROVISIONS
106	A proper officer of customs shall have all the powers necessary to carry out an inspection and to investigate the commission of any offence under this Act.
131	<p>(1) Any senior officer of customs may compound any offence, which is prescribed to be a compoundable offence, by accepting from the person reasonably suspected of having committed such offence a sum of money not exceeding five thousand ringgit.</p> <p>(2) In like manner the proper officer of customs, not being a senior officer of customs, may compound any offence which is prescribed to be compoundable by such officer, by accepting from the person reasonably suspected of having committed such offence a sum of money not exceeding one hundred ringgit.</p> <p>(2a) In addition to the power to compound in subsection (1), the Director General may compound any offence under subsection 135(1) by accepting from the person reasonably suspected of having committed such offence—</p> <p>a. in the case of dutiable goods, a sum of money which shall be a sum not more than ten times the customs duty; and</p>
133	<p>(1) Whoever—</p> <p>a. makes, orally or in writing, or signs any declaration, certificate or other document required by this Act which is untrue or incorrect in any particular;</p> <p>b. makes, orally or in writing, or signs any declaration or document, made for consideration of any officer of customs on any application presented to him, which is untrue or incorrect in any particular;</p> <p>c. counterfeits or falsifies, or uses, when counterfeited or falsified, any document which is or may be required under this Act or any document used in the transaction of any business or matter relating to customs;</p> <p>d. fraudulently alters any document, or counterfeits the seal, signature, initials or other mark of, or used by, any officer of customs for the verification of any such document or for the security of any goods or any other purpose in the conduct of business relating to customs;</p> <p>e. being required by this Act to make a declaration of dutiable goods imported or exported, fails to make such declaration as required;</p> <p>f. fails or refuses to produce to a proper officer of customs any document required to be produced under section 100; or</p> <p>g. being so required under section 87A fails to make a declaration in the prescribed form, within the stipulated period thereunder, of goods exported, shall, on conviction, be</p>

A Section continued

ARTICLE NO.	PROVISIONS
	<p>liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.</p> <p>(2) When any such declaration whether oral or written, or any such certificate or other document as is referred to in paragraphs (1)(a), (b) and (c) has been proved to be untrue or incorrect or counterfeited or falsified in whole or in part, it shall be no defence to allege that such declaration, certificate or other document was made or used inadvertently or without criminal or fraudulent intent, or that the person signing the same, was not aware of, or did not understand the contents of, such document, or where any declaration was made or recorded in National Language or in English by interpretation from any other language, that such declaration was misinterpreted or not fully interpreted by any interpreter provided by the declarant.</p> <p>(3) For the purposes of this section, “falsified” in relation to a document shall be deemed to include a document which is untrue or incorrect in any material particular, and “falsifies” has a similar meaning.</p>
134	<p>(1) Whoever, being required by this Act to give any information which may reasonably be required by a proper officer of customs and which it is in his power to give, refuses to give such information or furnishes as true information which he knows or has reason to believe to be false, shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or to both.</p> <p>(2) When any such information is proved to be untrue or incorrect in whole or in part it shall be no defence to allege that such information or any part thereof was furnished inadvertently or without criminal or fraudulent intent, or was misinterpreted or not fully interpreted by an interpreter provided by the informant.</p>
135	<p>(1) Whoever—</p> <ul style="list-style-type: none">a. is concerned in importing or exporting any uncustomed goods or any prohibited goods contrary to such prohibition whether such uncustomed or prohibited goods be shipped, unshipped, delivered or not;b. ships, unships, delivers or assists or is concerned in the shipping, unshipping or delivery of any uncustomed goods or any prohibited goods contrary to such prohibition;c. illegally removes or withdraws or in any way assists or is concerned in the illegal removal or withdrawal of any goods from any customs control;d. knowingly harbours, keeps, conceals, or is in possession of, or permits, suffers, causes or procures to be harboured, kept or concealed, any uncustomed or prohibited goods;e. is in any way knowingly concerned in conveying, removing, depositing or dealing with any dutiable, uncustomed or prohibited goods with intent to defraud the Government of any duties thereon, or to evade any of the provisions of this Act or to evade any prohibition applicable to such goods;f. being a passenger or other person, is found to have in his baggage or upon his person or otherwise in his possession, after having denied that he has any dutiable or prohibited goods in his baggage or upon his person or otherwise in his possession, any dutiable or prohibited goods; org. is in any way knowingly concerned in any fraudulent evasion or attempt at fraudulent evasion of any customs duty, or in evasion or attempt at evasion of any prohibition of import or export; shall be guilty of an offence and shall, on conviction—<ul style="list-style-type: none">(i) in the case of goods included in a class of goods appearing in an order made under subsection 11(1)—aa. be liable for the first offence to a fine of not less than ten times the amount of the customs duty or fifty thousand ringgit, whichever is the lesser amount, and of not more than twenty times the amount of the customs duty or one hundred thousand ringgit, whichever is the greater amount, or to imprisonment for a term not exceeding three years or to both; and

A Section continued

ARTICLE NO.	PROVISIONS
51	<p>bb. be liable for a second or any subsequent offence to a fine of not less than ten times the amount of the customs duty or one hundred thousand ringgit, whichever is the lesser amount, and of not more than forty times the amount of the customs duty or five hundred thousand ringgit, whichever is the greater amount, or to imprisonment for a term not exceeding five years or to both:</p> <p>Provided that where the amount of the customs duty cannot be ascertained, the penalty may amount to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both;</p> <p>(ii) in the case of uncustomed goods, such goods not being dutiable or prohibited, be liable to a fine not exceeding twice the value of the goods or ten thousand ringgit whichever is the greater amount:</p> <p>Provided that where the value cannot be ascertained the penalty may amount to a fine not exceeding ten thousand ringgit; and</p> <p>(iii) in the case of prohibited goods—</p> <p>aa. be liable for the first offence to a fine of not less than ten times the value of the goods or fifty thousand ringgit, whichever is the lesser amount, and of not more than twenty times the value of the goods or one hundred thousand ringgit, whichever is the greater amount, or to imprisonment for a term not exceeding three years or to both; and</p> <p>bb. be liable for a second or any subsequent offence to a fine of not less than ten times the value of the goods or one hundred thousand ringgit, whichever is the lesser amount, and of not more than forty times the value of the goods or five hundred thousand ringgit, whichever is the greater amount, or to imprisonment for a term not exceeding five years or to both.</p> <p>Provided that where the value of the goods cannot be ascertained, the penalty may amount to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.</p>
52	<p>(1) If any officer of customs or other person duly employed for the prevention of smuggling—</p> <p>a. makes any collusive seizure or delivers up or makes any agreement to deliver up or not to seize any vessel or aircraft or other means of conveyance, or any goods liable to seizure;</p> <p>b. accepts, agrees to accept, or attempts to obtain, any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty; or</p> <p>c. conspires or connives with any person to import or export or is in any way concerned in the importation or exportation of any goods liable to customs duties or any goods prohibited to be imported or exported for the purpose of seizing any vessel, aircraft or conveyance or any goods and obtaining any reward for such seizure or otherwise,</p> <p>every such officer so offending shall be guilty of an offence against this Act and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand ringgit or to both such imprisonment and fine, and shall be interdicted from holding office in the public service of the Federal Government or the Government of any State, and every person who gives or offers or promises to give or procures to be given any bribes, gratuity, recompense or reward to, or makes any collusive agreement with, any such officer or person as aforesaid to induce him in any way to neglect his duty or to do, conceal or connive at any act whereby any of the provisions of any other law relating to imports or to exports may be evaded, shall be guilty as an abettor and so punishable under this Act.</p>

4.4 ANTI-CORRUPTION

A Penal Code 2015

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
162	Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour

A Section continued	
ARTICLE NO.	PROVISIONS
	or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government, or with any member of the Cabinet or of Parliament or of a State Executive Council or Legislative Assembly, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.
198	Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.
219	Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict or decision which he knows to be contrary to law, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.
B Anti-Corruption Commission Act 2009	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
16	<p>Any person who by himself, or by or in conjunction with any other person—</p> <ol style="list-style-type: none"> a. corruptly solicits or receives or agrees to receive for himself or for any other person; or b. corruptly gives, promises or offers to any person whether for the benefit of that person or of another person, any gratification as an inducement to or a reward for, or otherwise on account of— <ol style="list-style-type: none"> a. any person doing or forbearing to do anything in respect of any matter or transaction, actual or proposed or likely to take place; or b. any officer of a public body doing or forbearing to do anything in respect of any matter or transaction, actual or proposed or likely to take place, in which the public body is concerned, <p>commits an offence.</p>
17	<p>A person commits an offence if—</p> <ol style="list-style-type: none"> a. being an agent, he corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification as an inducement or a reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or b. he corruptly gives or agrees to give or offers any gratification to any agent as an inducement or a reward for doing or forbearing to do, or for having done or forborne to do any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business.
21	<p>Any person who offers to an officer of any public body, or being an officer of any public body solicits or accepts, any gratification as an inducement or a reward for—</p> <ol style="list-style-type: none"> b. the officer performing or abstaining from performing or aiding in procuring, expediting, delaying, hindering or preventing the performance of, any official act; d. the officer showing or forbearing to show any favour or disfavour in his capacity as such officer, <p>commits an offence, notwithstanding that the officer did not have the power, right or opportunity so to do, show or forbear, or accepted the gratification without intending so to do, show or forbear, or did not in fact so do, show or forbear, or that the inducement or reward was not in relation to the affairs of the public body.</p>

B Section continued

ARTICLE NO.	PROVISIONS
24	<p>(1) Any person who commits an offence under sections 16, 17, 20, 21, 22 and 23 shall on conviction be liable to—</p> <p>a. imprisonment for a term not exceeding twenty years; and</p> <p>b. a fine of not less than five times the sum or value of the gratification which is the subject matter of the offence, where such gratification is capable of being valued or is of a pecuniary nature, or ten thousand ringgit, whichever is the higher.</p> <p>(2) Any person who commits an offence under section 18 shall on conviction be liable to—</p> <p>a. imprisonment for a term not exceeding twenty years; and</p> <p>b. a fine of not less than five times the sum or value of the false or erroneous or defective material particular, where such false or erroneous or defective material particular is capable of being valued, or of a pecuniary nature, or ten thousand ringgit, whichever is the higher.</p>

4.5 TRANSNATIONAL ORGANIZED CRIME

A Penal Code 2013

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
130u	<p>In this Chapter —</p> <p>“organized criminal group” means a group of two or more persons, acting in concert with the aim of committing one or more serious offences, in order to obtain, directly or indirectly, a material benefit, power or influence; “serious offence” means any offence punishable with imprisonment for a term of ten years or more.</p>
130v	<p>Whoever is a member of an organized criminal group shall be punished with imprisonment for a term which may extend to five years.</p>
130w	<p>Whoever assists an organized criminal group to further the interest of that group shall be punished with imprisonment for a term which may extend to ten years.</p>

4.6 MUTUAL LEGAL ASSISTANCE TO RECOVER PROCEEDS OF CRIME

A Mutual Assistance in Criminal Matters Act 2002

AGENCY	Ministry of Home Affairs
ARTICLE NO.	PROVISIONS
3	<p>The object of this Act is for Malaysia to provide and obtain international assistance in criminal matters, including—</p> <p>h. the identification or tracing of proceeds of crime and property and instrumentalities derived from or used in the commission of a serious offence or a foreign serious offence;</p>
14	<p>Where the Attorney General is satisfied that there are reasonable grounds for believing that there is, in any foreign State, a person who—</p> <p>a. is or might be concerned in or affected by; or</p> <p>b. could give evidence or assistance relevant to,</p> <p>any criminal matter in Malaysia, the Attorney General may request the appropriate authority of that foreign State to assist in locating, or, if the person’s identity is unknown, in identifying and locating, that person.</p>
18	<p>If a foreign State in respect of which no order has been made under section 17 makes a request for mutual assistance in a criminal matter under this Act, the Minister may, on the recommendation of the Attorney General, give a special direction in writing that this Act shall apply to that foreign State in relation to the requested mutual assistance subject to any restriction, limitation, exception, modification, adaptation, condition or qualification contained in the direction.</p>

5 PENALTIES

5.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Wildlife Conservation Act 2010	60(a)	n.a.	50,000 Ringgit	n.a.	2
	60(b)	20,000 Ringgit	50,000 Ringgit	n.a.	3
	61, 62	n.a.	100,000 Ringgit	n.a.	5
	65	20,000 Ringgit	50,000 Ringgit	n.a.	1
	68(1)	n.a.	100,000 Ringgit	n.a.	3
	68(2a)	50,000 Ringgit	100,000 Ringgit	n.a.	3
	68(2b)	30,000 Ringgit	100,000 Ringgit	n.a.	2
	68(2c)	100,000 Ringgit	500,000 Ringgit	n.a.	5
	69	150,000 Ringgit	500,000 Ringgit	n.a.	5
	70	200,000 Ringgit	500,000 Ringgit	n.a.	5
	71	30,000 Ringgit	100,000 Ringgit	n.a.	3
	72(2)	30,000 Ringgit	100,000 Ringgit	n.a.	5
	72(3)	100,000 Ringgit	500,000 Ringgit	n.a.	5
	86	5,000 Ringgit	50,000 Ringgit	n.a.	1
International Trade in Endangered Species Act 2008	10, 11, 12, 13, 14	n.a.	1 million Ringgit (individual) 2 million Ringgit (body corporate)	n.a.	7 (individual)
	18	n.a.	100,000 Ringgit (individual) 200,000 Ringgit (body corporate)	n.a.	7 (individual)
	23	n.a.	100,000 Ringgit	n.a.	3
	28	n.a.	50,000 Ringgit	n.a.	3
	54	n.a.	200,000 Ringgit	n.a.	5

* In local currency, Malaysian Ringgit.

** In years unless otherwise stated.

5.1 CONTINUED

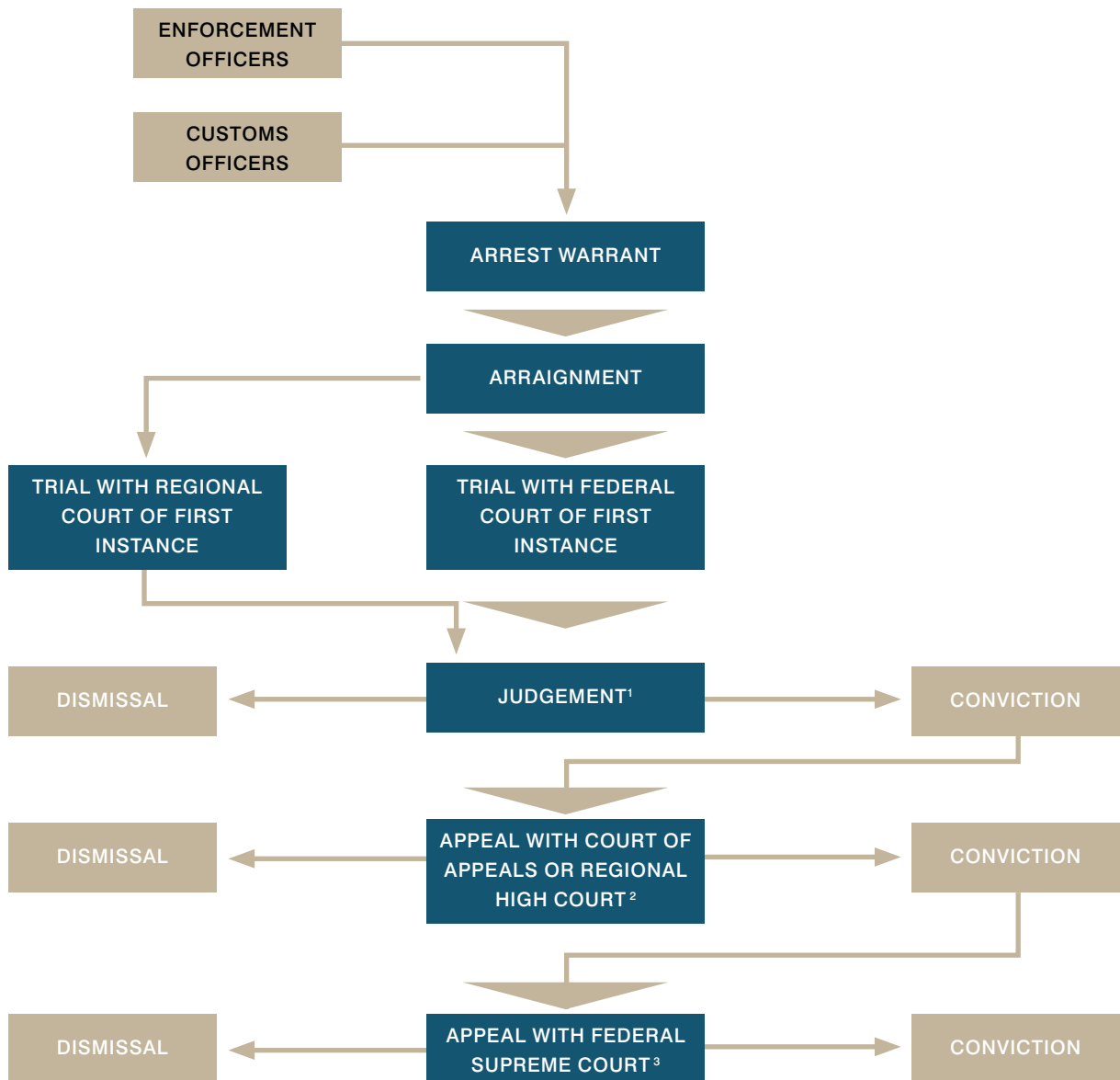
Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Sarawak Wildlife Protection Ordinance 1998	24(3a), 29(1a)	n.a.	50,000 Ringgit	n.a.	5
	24(3b), 29(1b)	n.a.	30,000 Ringgit	n.a.	2
	24(3c), 29(1c)	20,000 Ringgit	25,000 Ringgit	n.a.	2
	24(3d), 29(2)	n.a.	10,000 Ringgit	n.a.	1
	24(3e)	n.a.	2,000 Ringgit or 5 times the value of the animal	n.a.	1
	29(1a)	n.a.	50,000 Ringgit	n.a.	5
	29(1b)	n.a.	30,000 Ringgit	n.a.	2
	29(1c)	20,000 Ringgit	20,000 Ringgit	n.a.	2
	29(2)	n.a.	10,000 Ringgit	n.a.	1
	30(1)	n.a.	25,000 Ringgit	n.a.	2
	30(2)	n.a.	10,000 Ringgit	n.a.	1
	31	n.a.	200,000 Ringgit or 5 times the value of the animal or plant	n.a.	1
	33	n.a.	5,000 Ringgit	n.a.	n.a.
44	n.a.	2,000 Ringgit	n.a.	6 months	
Sabah Wildlife Conservation Enactment 1997	25(3a)	n.a.	n.a.	6 months	5
	25(3b), 53, 63	n.a.	50,000 Ringgit	n.a.	5
	40	n.a.	20,000 Ringgit	n.a.	2
	41	30,000 Ringgit	50,000 Ringgit	3	5
	78	n.a.	20,000 Ringgit	n.a.	2
National Forestry Act 1984	15, 40	n.a.	500,000 Ringgit	1	20

5.2 PENALTIES UNDER OTHER NATIONAL LAWS

Law and relevant provisions	Section/ Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Penal Code 2005	84	n.a.	1 million Ringgit	n.a.	1
	130v	n.a.	n.a.	n.a.	5
	130w	n.a.	n.a.	n.a.	10
	162	n.a.	n.a.	n.a.	3
	219	n.a.	n.a.	n.a.	7
	465	n.a.	n.a.	n.a.	2
	465	n.a.	n.a.	n.a.	7
Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (Act 613)	4	n.a.	4 million Ringgit	n.a.	5
Anti-Corruption Commission Act 2009	16, 17, 20, 21, 22, 23, 24	n.a.	5 times the sum of the gratification which is the subject of the offence	n.a.	20
Customs Act 1967	133	n.a.	500,000 Ringgit	n.a.	5
	134	n.a.	1,000 Ringgit	n.a.	6 months
	135(aa)	50,000 Ringgit	100,000 Ringgit	n.a.	3
	135(bb)	100,000 Ringgit	500,000 Ringgit	n.a.	5
	137	n.a.	10,000 Ringgit	n.a.	5

6 ANNEXES

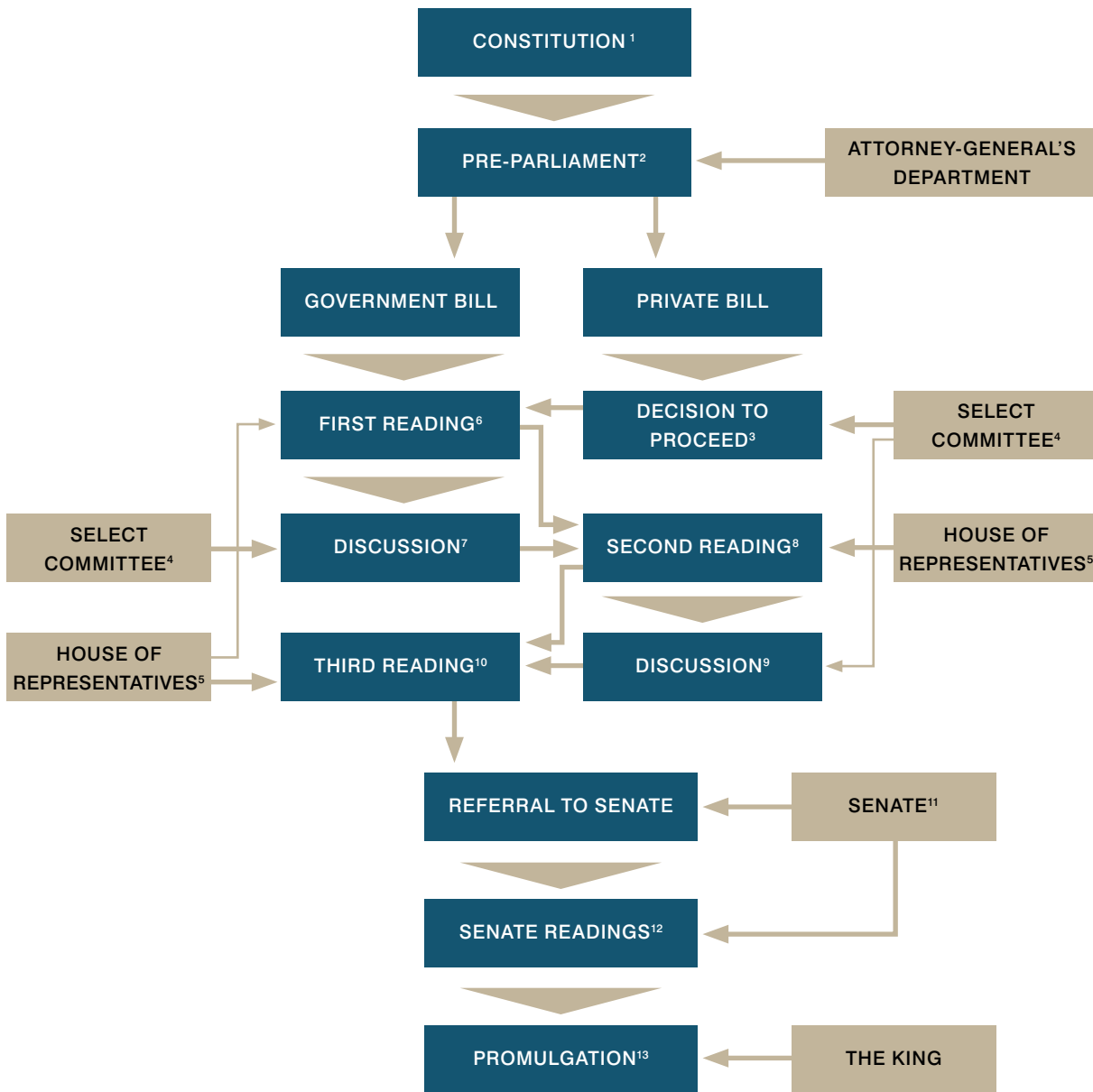
A OVERVIEW OF LEGAL PROCESS AND PROCEDURE FOR PROSECUTION AND SENTENCING OF WILDLIFE CRIMES



Notes:

- 1 Article 273 of the Criminal Procedure Code states the judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open court, either immediately or at some subsequent time of which due notice shall be given to the parties
- 2 The Court of Appeal trials on civil and criminal appeals against decisions of the High Courts, unless it involves claims less than 250,000 Ringgit. The Regional High Courts hear appeals from the Lower Courts in civil and criminal matters and have general jurisdiction (claims that exceeds 250,000 Ringgit), except for criminal matters involving Islamic law.
- 6 The Federal Court is the Highest Instance and deals with appeals from the Court of Appeal, unless the appeal does not originate from the High Court as First Instance

B OVERVIEW OF LEGISLATIVE PROCESS OF MALAYSIA¹⁴



Footnotes:

- 1 Article 66(1) of the Constitution states that bills can originate in both houses. However Article 67(1) specifies 'money bills' cannot originate in the Senate.
- 2 Bills are drafted mostly by a relevant government ministry with the assistance of the Attorney-General's department.
- 3 If an individual member drafts a 'Private Bill', it must be referred the Select Committee which may or may not allow it to proceed.
- 4 Select Committees are ad hoc Committees appointed to undertake particular tasks. They elect their own chair and have their membership balanced across parties.
- 5 The House of Representatives is the lower house of government. It is made up of 222 elected members.
- 6 The First Reading is largely ceremonial and comprises of the bill's title being read aloud and the text being handed out.
- 7 A bill can sometimes be referred to a Select Committee before the Second Reading to discuss details, policy principles and benefits of the bill.
- 8 Usually a bill is discussed in a Whole House Committee during the Second Reading
- 9 A bill can sometimes be referred to a Select Committee after the Second Reading to discuss wording details- not policy details.
- 10 Following a vote in the Third Reading, the bill is deemed to have passed through the House of Representatives.
- 11 The Senate is the upper house of government. It is made up of 70 members; 26 nominated by states, and 44 appointed by the King on the advice of the Prime Minister.
- 12 The Senate follows the same '3 Readings' procedure as the House of Representatives. The Senate does not have the power to reject a bill, but can suggest amendments to delay it.
- 13 After the King has signed the bill it becomes law.
- 14 SHERLOCK S (2015), One ASEAN: Many Systems. Legislative Procedures of AIPA Member Parliaments. ISBN 978-602-72633-1-4. The flowchart for the legislative process was created based on the information provided in this document.

C LIST OF NATIONAL LAWS

- 1 Anti-Money Laundering and Anti-Terrorism Financing Act 2001, Act 613
- 2 Customs Act 1967, Act 235, incorporating all amendments up to 1 January 2006
- 3 Computer Crimes Act 1997, Act 563, incorporating all amendments up to 1 January 2006
- 4 Extradition Act 1992, Act 479, 1992
- 5 Fisheries Act 1985, Act 317, incorporating all amendments up to 1 January 2006
- 6 International Trade in Endangered Species Act 2008 (Act 686)
- 7 Malaysian Security Offences (Special Measures) Act 2012, Act 747
- 8 Malaysia Anti-Corruption Commission Act 2009, Act 694
- 9 Mutual Assistance in Criminal Matters Act 2002, Act 621, incorporating all amendments up to 1 January 2006
- 10 National Heritage Act 2005
- 11 National Forestry Act 1984, Act 313, incorporating all amendments up to 1 January 2006
- 12 Prevention and Control of Infectious Diseases Act , Act 342, (1988)
- 13 Penal Code, Act 574, 2013
- 14 Strategic Trade Act 2010
- 15 Sabah Wildlife Conservation Enactment 1997 (Enactment No.6 of 1997)
- 16 Sarawak Wildlife Protection Ordinance 1998, (Chapter 26)
- 17 Whistleblowers Protection Act 2010, Act 711
- 18 Witness Protection Act 2009, Act 696, As Amended as at 1 May 2013
- 19 Wildlife Conservation Act 2010 (Act 716)



NATIONAL LAWS MYANMAR



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Photography by Molly Ferril

1 EXECUTIVE SUMMARY

WILDLIFE LAWS

Myanmar has been a member of CITES since 1997. The main legislation relevant to the investigation and prosecution of wildlife crimes in Myanmar are:

1. Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994
2. Protection of Wildlife and Protected Areas Rules, Ministry of Forestry, Notification No. (37/2002), 24 October 2002
3. Forest Law, The State Law and Order Restoration Council Law No.8/92, 3 November 1992
4. Forest Rules, Ministry of Forestry, Notification No. (106/95), 1 December 1995

The PoWCNA has its own list of protected species which unfortunately does not correspond with the CITES Appendices of species. Moreover, except for export of nationally protected species, PoWCNA does not have any other provisions for regulating international trade.

PENALTIES UNDER WILDLIFE LAWS

The maximum imprisonment term under PoWCNA is 7 years, which meets the threshold under the UNTOC to qualify as a serious crime. However, the maximum fine prescribed under PoWCNA is only approximately USD 50. Given the high value of the illegal wildlife trade, this is rather inadequate as a form of deterrent for the criminals. It is therefore important that Myanmar looks to other available laws to effectively investigate and prosecute wildlife crimes.

INTERNATIONAL COOPERATION AND OTHER LAWS

It is noteworthy that Myanmar has ratified/acceded to the relevant international treaties. Relevant laws have been passed, amended or were already in existence to comply with and complement the respective treaties. Notwithstanding that Myanmar is not a party to some of the listed conventions, it has laws on the relevant topics.

According to a survey conducted by Transparency International, Myanmar ranked 156 out of 174 countries. As such it is important that the anti-corruption laws and enforcement are robust enough to improve the record. It is interesting to note that Myanmar does have very severe punishments for corruption offences. Therefore, enforcement efforts are key.

The anti-money laundering law, The Pyidaungsu Hluttaw Law No. 11/2014, 14 March 2014 shows much potential as it provides law enforcers with wide civil and criminal powers and high level penalties. However, wildlife trafficking is not yet a predicate crime under its anti-money laundering laws. Nevertheless, it can be especially useful in the investigation of transnational organized crimes involving wildlife trafficking.

With organized syndicates increasing involvement in wildlife trafficking, Myanmar shall definitely benefit from inter-agencies and regional cooperation in the fight against transnational and organized wildlife crime.

¹ Category One where its legislation is believed generally to meet all four requirements for effective implementation of CITES; Category Two where its legislation is believed generally to meet one to three of the four requirements for effective implementation of CITES; and Category Three where its legislation is believed generally to not meet any of the four requirements for effective implementation of CITES.

² Article 37, PoWCNA

³ n accordance with Article 2 of the UNTOC.

⁴ See section 2 on International convention, treaties and agreements: relevant laws

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF ACCESSION: 18 JUNE 1997</p>
<ul style="list-style-type: none"> a. Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No. 6/94, 8 June 1994 b. Protection of Wildlife and Protected Areas Rules, Ministry of Forestry, Notification No. (37/2002), 24 October 2002 c. Freshwater Fisheries Law, The State Law and Order Restoration Council Law, No. 1/91, 4 March 1991 d. Forest Law, The State Law and Order Restoration Council Law No.8/92, 3 November 1992 e. Forest Rules, Ministry of Forestry, Notification No. (106/95), 1 December 1995 	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF ACCESSION: 13 APRIL 2004</p>
<ul style="list-style-type: none"> a. The Mutual Assistance in Criminal Matters Law, The State Peace and Development Council Law No. 4/2004, 28 April 2004 b. The Anti-Money Laundering Law, The Pyidaungsu Hluttaw Law No. 11/2014, 14 March 2014 c. The Anti-Trafficking in Persons Law, The State Peace and Development Council Law No. 5/2005, 13 September 2005 	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF ACCESSION: 20 DECEMBER 2012</p>
<ul style="list-style-type: none"> a. Anti-Corruption Law, The Pyidaungsu Hluttaw Law No. 23/2013, 7 August 2013 	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF RATIFICATION: AS AT 22 JUNE 2015, MYANMAR IS NOT A CONTRACTING PARTY.</p>
<ul style="list-style-type: none"> a. Sea Customs Act (1878) b. Land Customs Act (1924) c. Tariff Law, The State Law and Order Restoration Council Law No. 2/92, 12 March 1992 d. National Drug Law, The State Law and Order Restoration Council Law No. 7/92, 30 October 1992 	

<p>5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995</p>	<p>DATE OF RATIFICATION:</p>
<p>a. National Food Law, The State Law and Order Restoration Council No.5/97, 3 March 1997 b. National Drug Law, The State Law and Order restoration Council Law No.7/92, 30 October 1992</p>	
<p>6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL</p>	<p>DATE OF RATIFICATION: 25 NOVEMBER 1994</p>
<p>a. Protection of Wildlife and Protected Areas Law (PoWPA), The State Law and Order Restoration Council Law No.9/94, 8 June 1994 b. Protection of Wildlife and Protected Areas Rules, Ministry of Forestry, Notification No. 37/2002, 24 October 2002 c. Environmental Conservation Law, The Pyidaungsu Hluttaw Law No. 9/2012, 30 March 2012 d. Environmental Conservation Rule, Ministry of Environmental Conservation and Forestry, Notification No. 50/2014, 5 June 2014</p>	
<p>7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972</p>	<p>DATE OF ACCESSION 29 APRIL 1994</p>
<p>a. Protection and Preservation of Cultural Heritage Regions Law, The State Peace and Development Council Law No. 9/98, 10 September 1998</p>	
<p>8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2004</p>	<p>DATE OF ACCESSION: 22 JANUARY 2009</p>
<p>a. Mutual Assistance in Criminal Matters Law, The State Peace and Development Council Law No. 4/2004, 28 April 2004 b. Mutual Assistance in Criminal Matters Rules, Ministry of Home Affairs Notification No. 5/2014, 14 October 2014</p>	
<p>9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION - THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012</p>	<p>DATE OF ACCESSION: 09 MARCH 2006</p>
<p>a. The Anti-Trafficking in Persons Law, The State Peace and Development Council Law No. 5/2005, 13 September 2005 b. Anti-Corruption Law, The Pyidaungsu Hluttaw Law No. 23/2013, 7 August 2013 c. The Anti-Money Laundering Law, The Pyidaungsu Hluttaw Law No. 11/2014, 14 March 2014 d. The Control of Money Laundering Law – The State Peace and Development Council Law No. 6/2002, 17 June, 2002</p>	
<p>10 CONVENTION ON CYBERCRIME, BUDAPEST, 1 JULY 2004 (BUDAPEST CONVENTION ON CYBERCRIME)</p>	<p>DATE OF RATIFICATION: AS AT 12 DECEMBER 2015, MYANMAR IS NOT A PARTY.</p>
<p>a. The Electronic Transaction Law, The State Peace and Development Council Law No. 5/2004, 30 April 2004</p>	

3 KEY PROVISIONS OF WILDLIFE LAWS

3.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A <i>Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994</i>	
AGENCY	Ministry of Environmental Conservation and Forestry
ARTICLE NO.	PROVISIONS
Chapter 11, <i>Offences and Penalties</i> 36	Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 5 years or with fine which may extend to Kyats 30,000 or with both:- <ol style="list-style-type: none"> a. killing, hunting or wounding a protected wildlife species or seasonally protected wildlife species without permission, possessing, selling, transporting or transferring such wildlife or any part there of; b. removing, collecting or destroying in any manner any protected wild plant within the designated area without permission; c. destroying ecosystems or any natural setting in the protected area;
37	Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 7 years or with fine which may extend to Kyats 50,000 or with both:- <ol style="list-style-type: none"> a. killing, hunting or wounding a completely protected wildlife species without permission; possessing, selling, transporting or transferring such wildlife or any part there of ; b. exporting without the recommendation of the Director General a completely protected wildlife or protected wild plant species or any part there of;
B <i>Freshwater Fisheries Law, The State Law and Order Restoration Council Law, No. 1/91, 4 March 1991</i>	
AGENCY	Ministry of Livestock, Fisheries and Rural Development
ARTICLE NO.	PROVISIONS
Chapter 12, 34	No one shall do the following in any freshwater fisheries waters: <ol style="list-style-type: none"> a. catching fish or causing mischief with explosive substance, poison, chemicals and dangerous material of a like nature; b. catching fish by a prohibited method and fishing implement; c. catching fish of a prohibited species and size; d. Catching fish during a prohibited period and at a prohibited place
C <i>Forest Law, The State Law and Order Restoration Council Law No.8/92, 3 November 1992</i>	
AGENCY	Ministry of Environmental Conservation and Forestry, Forest Department
ARTICLE NO.	PROVISIONS
40	Whoever commits any of the following acts shall, on conviction, be punished with fine which may extend to kyats 5,000 or with imprisonment for a term which may extend to 6 months or with both:- <ol style="list-style-type: none"> a. trespassing and encroaching in a reserved forest;
42	Whoever commits any of the following acts shall' on conviction, be punished with fine which may extend to kyats 20,000 or with imprisonment for a term which may extend to 2 years or with both:- <ol style="list-style-type: none"> b. extracting, moving or keeping in possession unlawfully Timber from reserved tree other than teak without a permit;

C Section continued	
ARTICLE NO.	PROVISIONS
43	<p>a. Whoever fells, cuts, girdles, marks, lops, taps, injures by fire or otherwise any teak tree in a forest land or land at the disposal of the Government or extracts, moves or keeps in possession unlawfully any teak timber without a permit shall be punished with fine which may extend to kyats 50,000 or with imprisonment for a term which may extend to 7 years or with both;</p> <p>b. If the commission of offence under sub-section(a) is in respect of teak timber or teak tree growing or standing upon land other than forest land and land at the disposal of the Government, such person shall be punished with fine which may extend to kyats 5,000 or with imprisonment for a term which may extend to 6 months or with both.</p>
45	Any forest staff who, by misusing the power conferred on him under this Law, vexatiously seizes any forest produce without valid reason shall be punished with fine which may extend to kyats 10,000 or with imprisonment for a term which may extend to 1 year or with both.
46	Any forest staff who, by reason of his power' accepts from any person cash or kind in a corrupt manner or in contravention of the Law and participates and conspires in extracting, moving or unlawfully having in possession forest produce in a wrongful manner shall be punished with imprisonment which may extend from a minimum of 1 year to a maximum of 7 years.

3.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT /ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

A Cabinet Order Notification No.21/2011

AGENCY	Myanmar National Wildlife Law Enforcement Task Force
ARTICLE NO.	PROVISIONS
	Agency Membership: Border Area and National Races Department, Ministry of Border Affairs; Police Headquarter, Myanmar Police Force; Investigation Division, Customs Department; Directorate of Trade, Ministry of Commerce; General Administrative Department, Ministry of Home Affairs; Prosecution Department, Union Attorney – General's Office

3.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY AT LEAST FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY¹ OR BY LAW *per definition of untoc*

A Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994

AGENCY	Ministry of Environmental Conservation and Forestry
ARTICLE NO.	PROVISIONS
Chapter 11, 36	imprisonment for a term which may extend to 5 years or with fine which may extend to Kyats 30,000 or with both:-
37	imprisonment for a term which may extend to 7 years or with fine which may extend to Kyats 50,000 or with both

B Freshwater Fisheries Law, The State Law and Order Restoration Council Law, No. 1/91, 4 March 1991

AGENCY	Ministry of Livestock, Fisheries and Rural Development
ARTICLE NO.	PROVISIONS
Chapter 12, 34	<p>No one shall do the following in any freshwater fisheries waters:</p> <p>a. catching fish or causing mischief with explosive substance, poison, chemicals and dangerous material of a like nature;</p> <p>b. catching fish by a prohibited method and fishing implement;</p>

¹ Per definition in UNTOC

B Section continued	
ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none"> c. catching fish of a prohibited species and size; d. Catching fish during a prohibited period and at a prohibited place.
45	Whoever violates any provision of Section 34 shall, on conviction be punished with fine which may extend to kyats 30,000 or with imprisonment for a term which may extend to 3 years or with both.

3.4 PROTECTION OF NON-NATIVE SPECIES

A Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994	
AGENCY	Ministry of Environmental Conservation and Forestry , Forest Department
ARTICLE NO.	PROVISIONS
14	<p>The Forest Department shall carry out the following functions and duties according to the category of protected area in conformity with the guidance laid down by the Committee or the Minister;</p> <ul style="list-style-type: none"> e. preservation of wildlife including migratory birds and habitats incorporation with international communities;

3.5 CATEGORIES OF WILDLIFE

A Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994	
AGENCY	Ministry of Environmental Conservation and Forestry, Forest Department
ARTICLE NO.	PROVISIONS
15	<p>The Director General shall, with the approval of the Minister-</p> <ul style="list-style-type: none"> a. declare according to the following categories of wildlife species which are to be protected from extinction: <ul style="list-style-type: none"> (i) completely protected wildlife species; (ii) protected wildlife species; (iii) seasonally protected wildlife species;

B Protection of Wildlife and Protected Areas Rules (2002)	
AGENCY	Ministry of Environmental Conservation and Forestry, Forest Department
ARTICLE NO.	PROVISIONS
27	<p>The Director General shall, with the approval of the Minister, determine and notify the wild animals that shall be protected from the danger of extinction under sub-section (a) of section 15 of the Law according to the following types:</p> <ul style="list-style-type: none"> a. totally-protected species of wild animals; b. normally-protected species of wild animals; c. seasonally-protected species of wild animals.

3.6 MECHANISM FOR REVIEW AND UPDATE OF PROTECTED SPECIES LIST

AGENCY	
ARTICLE NO.	PROVISIONS
	Though there is already the national protected species list, there is no mechanism to review and update that.

3.7 HUNTING OF WILDLIFE

A *Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994*

AGENCY Ministry of Environmental Conservation and Forestry, Forest Department

ARTICLE NO. **PROVISIONS**

Chapter 6,
Hunting
19

The Director General may grant a hunting license, by stipulating conditions to hunt wildlife other than protected wildlife species within a protected area.

20

a. A person who has been granted a hunting license shall -
b. pay the hunting license fees as may be prescribed;
c. abide by the conditions of the hunting license; submit to the inspection of the Forest Department.

3.8 CAPTIVE BREEDING

A *Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994*

AGENCY Ministry of Environmental Conservation and Forestry

ARTICLE NO. **PROVISIONS**

17

The Director General may –
a. declare the names of protected wildlife species and seasonally protected wildlife species for the purpose of commercial farming;
b. permit the capture, farming or transfer, by stipulating conditions of wildlife species allowed for the purpose of commercial farming as declared under sub-section (a);
c. allow by stipulating conditions raising protected and seasonally protected wildlife species as pets and hobby for traditional custom.

3.9 ILLEGAL CONSUMPTION AND USE OF PROTECTED WILDLIFE

A *Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994*

AGENCY Ministry of Environmental Conservation and Forestry

ARTICLE NO. **PROVISIONS**

37

Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 7 years or with fine which may extend to Kyats 50,000 or with both;
a. killing, hunting or wounding a completely protected wildlife species without permission; possessing, selling, transporting or transferring such wildlife or any part thereof ;
b. exporting without the recommendation of the Director General a completely protected wildlife or protected wild plant species or any part thereof;

3.10 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE

A *Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994*

AGENCY	Ministry of Environmental Conservation and Forestry
ARTICLE NO.	PROVISIONS
36	<p>Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 5 years or with fine which may extend to Kyats 30,000 or with both:-</p> <ol style="list-style-type: none"> killing, hunting or wounding a protected wildlife species or seasonally protected wildlife species without permission, possessing, selling, transporting or transferring such wildlife or any part there of; removing, collecting or destroying in any manner any protected wild plant within the designated area without permission; destroying ecosystems or any natural setting in the protected area; altering, removing, destroying or defacing without permission any boundary mark of a protected area or any boundary mark of a zoological garden or botanical garden fully administered by the Government or partly by the Government which has subscribed shares.
37	<p>Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 7 years or with fine which may extend to Kyats 50,000 or with both;</p> <ol style="list-style-type: none"> killing, hunting or wounding a completely protected wildlife species without permission; possessing, selling, transporting or transferring such wildlife or any part there of ; exporting without the recommendation of the Director General a completely protected wildlife or protected wild plant species or any part there of;

B *Animal Health and Development, The State Law and Order Restoration Council Law No. 17/93, 25 November 1993*

AGENCY	Ministry of Environmental Conservation and Forestry
ARTICLE NO.	PROVISIONS
Chapter V: <i>"Inspection of Animal, Animal Product, and Animal Feed for Exportation"</i> 7	A person exporting animal, animal product or animal feed may, on desiring a recommendation certificate, apply to the Department in the prescribed manner.
8	<p>The Director General shall, in respect of the- application for recommendation certificate: --</p> <ol style="list-style-type: none"> Inspect in the prescribed manners, an animal if it is free from contagious disease, animal product or animal feed if it is of standard quality and free from harmful pathogens or toxins; issue recommendation certificate if it is, found to be in conformity with the prescribed stipulations,
Section 9	<ol style="list-style-type: none"> The applicant for the recommendation certificate shall pay the prescribed fees; Examination fee, recommendation certificate fee and other expenses shall be as determined by the Director General.
Chapter VI: <i>"Inspection of Imported, animal, animal Product and animal Feed"</i> 10	A person importing animal, animal product or animal feed shall submit to inspection by the Department.

B Section continued	
ARTICLE NO.	PROVISIONS
11	The Department shall, with the approval of the Ministry establish Inspection Stations in required regions for inspection of imported animal, animal product or animal feed;
13	a. A person importing animal, animal product or animal feed shall pay the prescribed fees; b. inspection fee, recommendation certificate fee and other expenses shall be as determined by the Director General,
Chapter X "Offences and Penalties" 23 (importation of animals)	If a person who imports animal, animal product or animal feed commits any of the following acts, he shall on conviction be punishable with fine which may extend to kyats 5,000 or with imprisonment for a term which may extend to 6 months or with both:- a. refusing to submit for inspection by the Department of imported animal, animal product or animal feed; b. transporting into the country, distributing, selling of imported animal, animal product or animal feed without obtaining a recommendation certificate issued by the Department.

C Environmental Conservation Law, The Pyidaungsu Hluttaw Law No. 9/2012, 30 March 2012	
AGENCY	Ministry of Environmental Conservation and Forestry
ARTICLE NO.	PROVISIONS
Chapter XII, "Prohibitions" 30	No one shall, without the permission of the Ministry, import, export, produce, store, carry or trade any material which causes impact on the environment prohibited by the Ministry.

3.11 ILLEGAL POSSESSION OF PROTECTED WILDLIFE

A Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994	
AGENCY	Ministry of Environmental Conservation and Forestry
ARTICLE NO.	PROVISIONS
35	Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to Kyats 10,000 or with both; - a. hunting without a license; b. violation of any condition of the hunting license; c. farming protected and seasonally protected wildlife species without permission for commercial purposes; d. causing water and air pollution, causing damage to a water-course or poisoning water; e. possession or disposal of pollutants or mineral wastes in a protected area; f. establishing and operating a zoological garden or a botanical garden without a license;
36	Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 5 years or with fine which may extend to Kyats 30,000 or with both; - a. killing, hunting or wounding a protected wildlife species or seasonally protected wildlife species without permission; possessing, selling, transporting or transferring such wildlife or any Part there of ;
37	Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 7 years or with fine which may extend to Kyats 50,000 or with both – a. killing, hunting or wounding a completely protected wildlife species without permission; possessing, selling, transporting or transferring such wildlife or any part there of ;

3.12 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A *Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994*

AGENCY	Ministry of Environmental Conservation and Forestry
ARTICLE NO.	PROVISIONS
39	The Convicting Court shall, in respect of any legal proceeding instituted under this law award punishment for relevant offense and in addition – b. shall confiscate the wildlife and parts thereof involved in the commission of the offense and hand over the same to the Forest Department

3.13 SALE OF CONFISCATED SPECIMENS

A *Protection of Wildlife and Protected Areas Rules, Ministry of Forestry, Notification No. (37/2002), 24 October 2002*

AGENCY	Ministry of Environmental Conservation and Forestry
ARTICLE NO.	PROVISIONS
70	The State/ Divisional Forest Officer has the authority to sell the protected wild animals and parts thereof and the protected natural plants parts thereof that are handed over after confiscation by the Court in accordance with the stipulation.
72	For enabling to take administrative action contained in the Law, the Township Forest Officer, with respect to protected wild animals and parts thereof and protected natural plants and parts thereof that are seized in the process of search by the Forest personnel, b. has the authority to sell the perishable property with the permission of the District Forest Officer.

3.14 HANDLING PROCEDURE FOR LIVE AND DEAD CONFISCATED SPECIMEN

A *Protection of Wildlife and Protected Areas Rules, Ministry of Forestry, Notification No. (37/2002), 24 October 2002*

AGENCY	Ministry of Environmental Conservation and Forestry, Forest Department
ARTICLE NO.	PROVISIONS
63	The person who has been issued search warrant shall, c. seize the exhibits found at the place or in the house or building contained in the search warrant, and the vehicle, animal and other machinery and equipment used in the commission of the offence, shall be seized and action shall be taken against the offender;
64	A service personnel of the Forest Department may, without requiring to obtain search warrant, search any building, place or vehicle accessible to the general public in the presence of two witnesses. In conducting such search the exhibits and the vehicle, animal or other machinery and equipment used in the commission of the offence, shall be seized and action shall be taken against the offender.
68	The Court, on finding guilty with respect to any offence prosecuted under this Law, shall, in addition to the penalty prescribed for the relevant offence, b. confiscate the wild animals, natural plants and parts thereof involved in the commission of the offence and shall hand them over to Forest Department. c. pass an order to confiscate the vehicles, animals and other properties and implements involved, in the commission of the offence.
69	The Forest Officer or the Administrator shall accept protected wild animals and parts thereof and protected natural plants and parts thereof that are handed over after confiscation by the Court.

A Section continued	
ARTICLE NO.	PROVISIONS
70	The State/ Divisional Forest Officer has the authority to sell the protected wild animals and parts thereof and the protected natural plants parts thereof that are handed over after confiscation by the Court in accordance with the stipulation.
72	For enabling to take administrative action contained in the Law, the Township Forest Officer, with respect to protected wild animals and parts thereof and protected natural plants and parts thereof that are seized in the process of search by the Forest personnel, b. has the authority to sell the perishable property with the permission of the District Forest Officer.

3.15 DISPOSAL OF CONFISCATED SPECIMEN

A Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994	
AGENCY	Forest Department
ARTICLE NO.	PROVISIONS
28	In order to take administrative action, the Forest Staff /Wildlife Staff shall, in respect of seizure and disposal of exhibits carry out in the manner prescribed.

3.16 ESTABLISHMENT OF RESCUE CENTER TO LOOK AFTER WELFARE OF LIVE SPECIMEN

A The Law	
AGENCY	
ARTICLE NO.	PROVISIONS
	Not mentioned directly in the PoWPA Law. However, there is internal instruction for the welfare of living specimen.
	There is only one rescue center called "Ban-Mwe-Gone" located in Naung-cho Township, Shan State. That is used just for the live tortoises and turtles. Mostly, live snakes and pangolins confiscated are released to their natural habitat after the medical check-up.

3.17 COMPENSATION FOR VICTIMS/ REHABILITATION/ COSTS OF REPATRIATION OF SEIZED WILDLIFE

A Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No.6/94, 8 June 1994	
AGENCY	Ministry of Environmental Conservation and Forestry
ARTICLE NO.	PROVISIONS
39	The Convicting Court shall, in respect of any legal proceeding instituted under this Law award punishment for relevant offense and in addition: - a. may pass order for the value of the loss and damage to the Forest Department caused by the offender to be paid by way of compensation to the Forest Department.
45	All money payable to the Forest Department under this Law shall be recovered as if it were arrears of land revenue. A Forest Officer who has been assigned responsibility by the Ministry of Forestry for this purpose shall exercise the powers of a Collector under the existing laws.

B *Protection of Wildlife and Protected Areas Rules, Ministry of Forestry, Notification No. (37/2002), 24 October 2002*

AGENCY	Ministry of Environmental Conservation and Forestry , Forestry Department
ARTICLE NO.	PROVISIONS
68	The Court, on finding guilty with respect to any offence prosecuted under this Law, shall, in addition to the penalty prescribed for the relevant offence, <ul style="list-style-type: none"> a. pass the order to cause payment of compensation to the Forest Department for the value of the loss of property of the Forest Department caused by the offender.
75	In order to collect the fees and penalties due under this Law, as if they were arrears of land revenue, the District Forest Officer has the right to exercise the powers of the collector under the existing Laws.

3.18 ENFORCEMENT POWERS – ENTRY, SEARCH, EVIDENCE, SEIZURE, ARREST, CONFISCATION

A *Protection of Wildlife and Protected Areas Rules, Ministry of Forestry, Notification No. (37/2002), 24 October 2002*

AGENCY	Ministry of Environmental Conservation and Forestry , Forestry Department
ARTICLE NO	PROVISIONS
62 (Entry)	If there is sufficient reason to believe that the protected wild animal and part thereof or protected natural plant or part thereof is hidden illegally in a house, building or place that is inaccessible to the general public, a Judge not lower than the rank of First Class Magistrate may issue search warrant to the Forest Officer or Administrator.
63 (search)	The person who has been issued search warrant shall, <ul style="list-style-type: none"> a. execute the search warrant personally. No other person shall be delegated; b. conduct the search in the presence of two witnesses;
64 (Entry, search, seizure)	A service personnel of the Forest Department may, without requiring to obtain search warrant, search any building, place or vehicle accessible to the general public in the presence of two witnesses. In conducting such search the exhibits and the vehicle, animal or other machinery and equipment used in the commission of the offence, shall be seized and action shall be taken against the offender.
65 (search, arrest seizure)	If there is no express provision in these Rules relating to issue of search warrant, search, arrest and seizure of exhibits, the provisions prescribed in the Code of Criminal Procedure shall be complied with.
68 (confiscation)	The Court, on finding guilty with respect to any offence prosecuted under this Law, shall, in addition to the penalty prescribed for the relevant offence, <ul style="list-style-type: none"> b. Confiscate the wild animals, natural plants and parts thereof involved in the commission of the offence and shall hand them over to Forest Department. c. pass an order to confiscate the vehicles, animals and other properties and implements involved, in the commission of the offence.
69 (confiscation)	The Forest Officer or the Administrator shall accept protected wild animals and parts thereof and protected natural plants and parts thereof that are handed over after confiscation by the Court.

3.19 ANIMAL WELFARE

A *Animal Health and Development, The State Law and Order Restoration Council Law No. 17/93, 25 November 1993*

AGENCY	Ministry of Livestock Breeding and fisheries, Livestock Breeding and Veterinary Department
ARTICLE NO	PROVISIONS
Chapter VIII: "Prevention of Cruelty to Animals" 18	The Director-General shall: (a) carry out educative measures to prevent man from willfully ill-treating the animal;
Chapter X: "Offences and Penalties" 25	Whoever commits any of the following acts in respect of the animal shall on conviction be punishable with fine which may extend to Kyats 1,000: a. causing to work cruelly or causing to carry or draw more than the prescribed weight; b. willfully ill-treating; c. unnecessarily maiming; d. willfully keeping it without food and water; e. neglecting to give proper treatment and care tough being sick or wounded;

B *Penal Code 1861 (as amended 1948)*

AGENCY	Myanmar Police Force
ARTICLE NO.	PROVISIONS
428	Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
429	Whoever commits mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

4 KEY PROVISIONS OF OTHER LAWS

4.1 PENAL CODE	
A Penal Code 1861 (as amended 1948)	
AGENCY	Myanmar Police Force
ARTICLE NO.	PROVISION
Chapter XVIII 463 -477	Whoever makes any false document or part of a document, with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.
464	<p>A person is said to make a false document --</p> <p>First.-- Who dishonestly or fraudulently makes, signs, seals or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed or executed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed or executed, or at a time at which he knows that it was not made, signed, sealed or executed; or</p> <p>Secondly. -- Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise alters a document in any material part thereof, after it has been made or executed either by himself or by any other person, whether such person be living or dead at the time of such alteration; or</p>
465	Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
466	Whoever forges a document, purporting to be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power-of-attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
468	Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.
471	Whoever fraudulently or dishonestly use as genuine any document which he knows or has reason to believe to be a forged document shall be punished in the same manner as if he had forged such document.
474	Whoever has in his possession any document, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document is one of the description mentioned in section 466, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine
476	Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document other than the documents described in section 467, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

4.2 ANTI-MONEY LAUNDERING

A *The Anti-Money Laundering Law, The Pyidaungsu Hluttaw Law No. 11/2014, 14 March 2014*

AGENCY	Central Board on Anti-Money Laundering, Ministry of Home Affairs (MoHA) (Union Level)
ARTICLE NO.	PROVISION
5	Laundering of money and properties getting from commission of any of the following offences shall be applicable to this law; d. offences relating to environmental impact; i. committing of any offence which shall be punished with imprisonment of a term of a minimum of one year and above under any existing law of the State;
43	Whoever commits money laundering shall, on conviction, be punished with imprisonment for a term which may extend to ten years or with fine or with both. If the offender is a company or an organization, a fine of up to five hundred million kyats shall be imposed on such company or organization. The owner of beneficiary shall be punished with imprisonment for a term which may extend to seven years.

4.3 ANTI-CORRUPTION

A *Anti-corruption law*

AGENCY	Commission Office of Bribery Eradication
ARTICLE NO.	PROVISION
Chapter X, 55	If any Political Post Holder is convicted for committing bribery, he/she shall be punished with imprisonment for a term of not more than 15 years and with a fine.
56	Other than the Political Post Holder, if any other Authorized Person is convicted for committing bribery; he/she shall be punished with imprisonment for a term of not more than 10 years and with a fine.
57	Other than the Political Post Holder and the Authorized Person, if any person is convicted for committing bribery, he/she shall be punished with imprisonment for a term of not more than 7 years and with a fine.
58	If any person is convicted for concealing, destroying, altering or transferring the Monies and Properties relating to any offence under this law, so as to avoid being taken against them, he/she shall be punished with imprisonment for a term of not more than 5 years and with a fine.
59	If any person is convicted for committing any offence under this law with the purpose of impairing or defaming any person without sound reason or for submitting information or lodging complaints on illicit enrichment based on false premises or giving or creating false evidence or asking any other person to do so, he/she shall be punished with imprisonment for a term of not more than 5 years and with a fine.
60	If any person is convicted for failure to comply with any order issued by the Commission or any organization delegated by the Commission, he/she shall be punished with imprisonment for a term of not more than 6 months or with a fine or both.
61	If any Authorized Person is convicted for willful default in submitting supporting documents of Monies, Properties, liabilities and assets within the stipulated time as prescribed by the Commission under this law or submitting false documents or concealing data, he/she shall be punished with imprisonment for a term of not more than 5 years and with a fine.
62	If any responsible person of the Bank and any Financial Institution is convicted for committing any of the following deeds relating to offences under this law, he/she shall be punished with imprisonment for a term of not more than 5 years and with a fine: MM 33 MYANMAR

A Anti-corruption law, continued	
ARTICLE NO.	PROVISION
	<ul style="list-style-type: none"> a. refusing to allow the enquiry committee's performance of its official duties, as assigned by the Commission; b. without the permission of the Commission, issuing, transferring the Monies and Properties kept in the Bank and any Financial Institution which are the subject of an injunction order made by the Commission; c. concealing, altering, amending or transferring without the permission of the Commission, documents relating to the Monies and Properties which are the subject of enquiry.
63	Any person who is found to have instigated, attempted, and conspired or managed or abetted any offence under this law shall be punished with the same penalties stipulated for such offence.

4.4 MUTUAL LEGAL ASSISTANCE TO RECOVER PROCEEDS OF CRIME	
A The Mutual Legal Assistance in Criminal Matters Law, The State Peace and Development Council Law No.4/2004, 28th April, 2004	
AGENCY	Ministry of Home Affairs
ARTICLE NO.	REQUIRED PERMITS
Chapter IV, 10: "Requesting Assistance and Refusal"	<p>Any foreign State requesting assistance of Myanmar in criminal matters shall:</p> <ul style="list-style-type: none"> a. if it is the State Party to the international convention or regional agreement to which the Union of Myanmar is a State Party or the State which has bilateral agreement with the Union of Myanmar request assistance directly to the Central Authority; b. if it is the State Party to the international convention or regional agreement to which the Union of Myanmar is not a State Party or the State that has not entered into bilateral agreement with the Union of Myanmar, request to the Central Authority through diplomatic channel.
Chapter VII, 33: "Request by the Union of Myanmar"	The government department and organization desirous of requesting assistance from any foreign State with respect to matters contained in section 11 shall, to obtain permission for the assistance desired, submit to the Central Authority mentioning completely the points contained in section 12.
34: "Request by the Union of Myanmar"	<p>If the Central Authority, grants permission under Section 33 on the submission of the relevant government department and organization to request assistance from any foreign State shall:</p> <ul style="list-style-type: none"> a. if it is the State Party to the international convention or regional agreement to which the Union of Myanmar is a State Party or the State which has bilateral agreement with the Union of Myanmar, request assistance directly from the Central Authority of the said State; b. if it is the State Party to the international convention or regional agreement to which the Union of Myanmar is not a State Party or the State that has not entered into bilateral agreement with the Union of Myanmar, request the Central Authority of the said State through diplomatic channel.

5 PENALTIES

5.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
1 Protection of Wildlife and Conservation of Natural Areas Law The State Law and Order Restoration Council Law No.6/94, 8 June 1994	36		30,000 kyat		5
	37		50,000 kyat		7
2 Forest Law (1992)	40		5,000 kyat		6 mth
	42		20,000 kyat		2
	43		50,000 kyat		
3 Freshwater Fishery Law (1991)	34		30,000 kyat		3
4 Environmental Conservation Law (2012)	34	100,000 kyat	2 million kyat	3	5
5 Animal Health and Development Law (1993)	25		1000 kyat		

5.2 PENALTIES UNDER OTHER NATIONAL LAWS

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
1 Anti-Money Laundering Law (2014)	43		500 million kyat	7	10
	44		100 million kyat		3
	45		300 million kyat		7
	46		300 million kyat	3	7
	47		300 million kyat		3
	48		300 million kyat		7
	49		300 million kyat		3
	50				3
	51			3	7
	2 Anti-Corruption Law (2013)	55			
56					10
57					7
58					5
59					5
60					6 mth
61					5
62					5

* In local currency, Kyat

** In years unless stated otherwise.

5.2 PENALTIES UNDER OTHER NATIONAL LAWS

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
3. The Control of Money Laundering Law (2002)	22			10	unlimited
	23				10
	24			3	7
	25			5	7
	26				7
	27				7
	28				3
	29				3
	30				3
	31				3
	4 Counter Terrorism Law (2014)	52			3
5 Sea and Land Customs Act	23		1000 rupees		
	26		1000 rupees		
	72		1000 rupees		
	74		500 rupees		
	75				2
	78		1000 rupees		6 mth
6 Penal Code	465				2
	466				7
	468				3
	474				7
	476				7

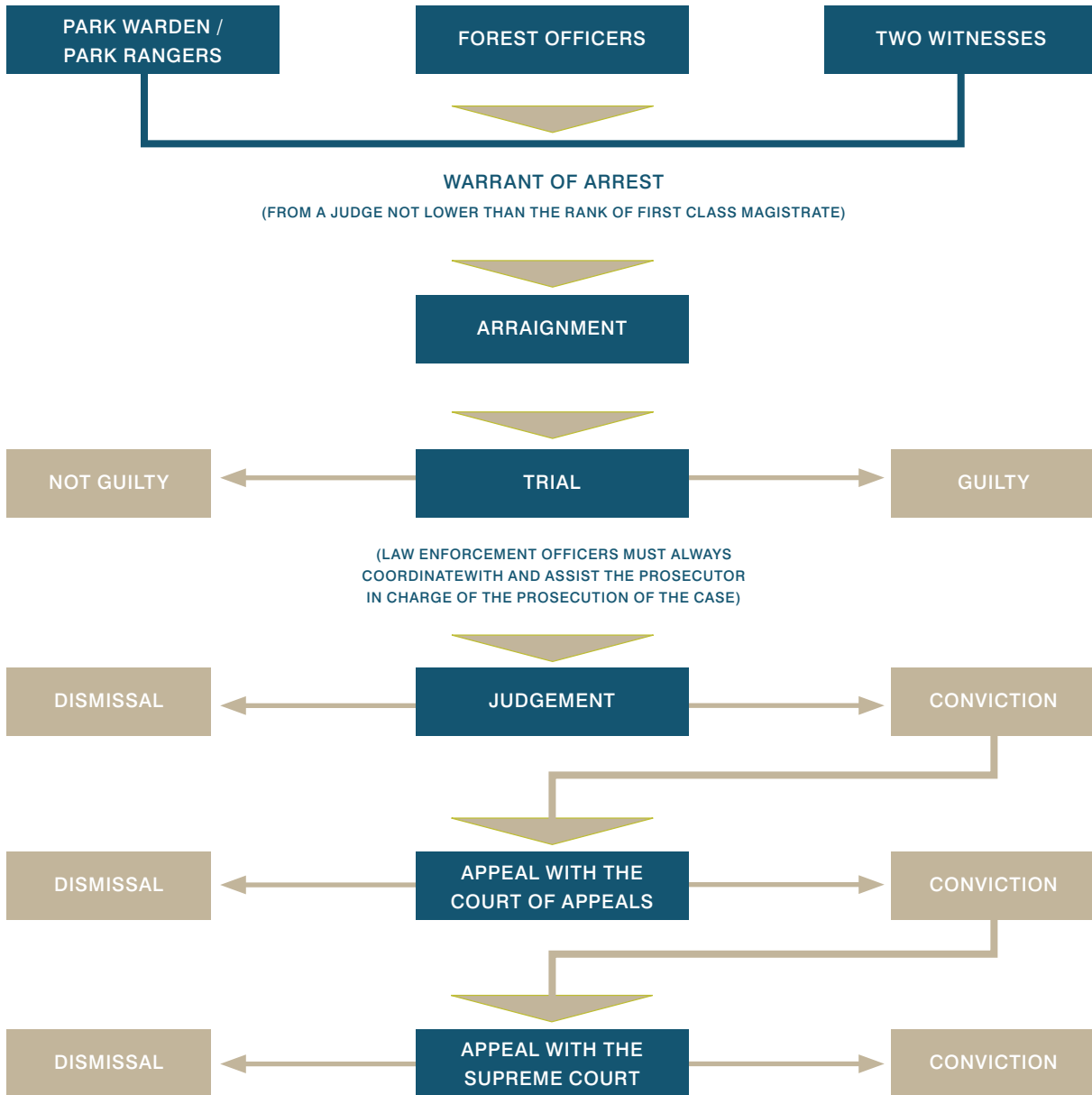
6 ANNEXES

A OVERVIEW OF LAW ENFORCEMENT PROCESS FOR WILDLIFE CRIME INVESTIGATION

REPORTING OF OFFENCE	
AGENCIES INVOLVED	Forest Department (forest officer or park warden), police, any person
LAWS/ARTICLE NUMBERS	PoWCNA 42 and 44 PoWCNA rules 66 and 67, penal code 154
INFORMATION AND EVIDENCE GATHERING	
AGENCIES INVOLVED	Forest Department, police, two witnesses and army if necessary
LAWS/ARTICLE NUMBERS	PoWCNA 28 PoWCNA rules 61, 62, 63, 64 and 65
INFORMATION AND EVIDENCE GATHERING	
AGENCIES INVOLVED	Forest Department, police, two witnesses and army if necessary
LAWS/ARTICLE NUMBERS	PoWCNA 31 PoWCNA rules 61, 63, 64 and 65
SEIZURE AND HANDLING OF EVIDENCE	
AGENCIES INVOLVED	Forest Department, police, two witnesses and army if necessary
LAWS/ARTICLE NUMBERS	PoWCNA 35, 36, 37 and 43 PoWCNA rules 63, 64, 65 and 69
CHARGING A SUSPECT	
AGENCIES INVOLVED	Forest Department, prosecutor, judge, court, police, witnesses
LAWS/ARTICLE NUMBERS	PoWCNA 42 and 44 PoWCNA rules 66 and 67

PoWCNA: Protection of Wildlife and Conservation of Natural Areas Law The State Law and Order Restoration Council Law No.6/94, 8 June 1994

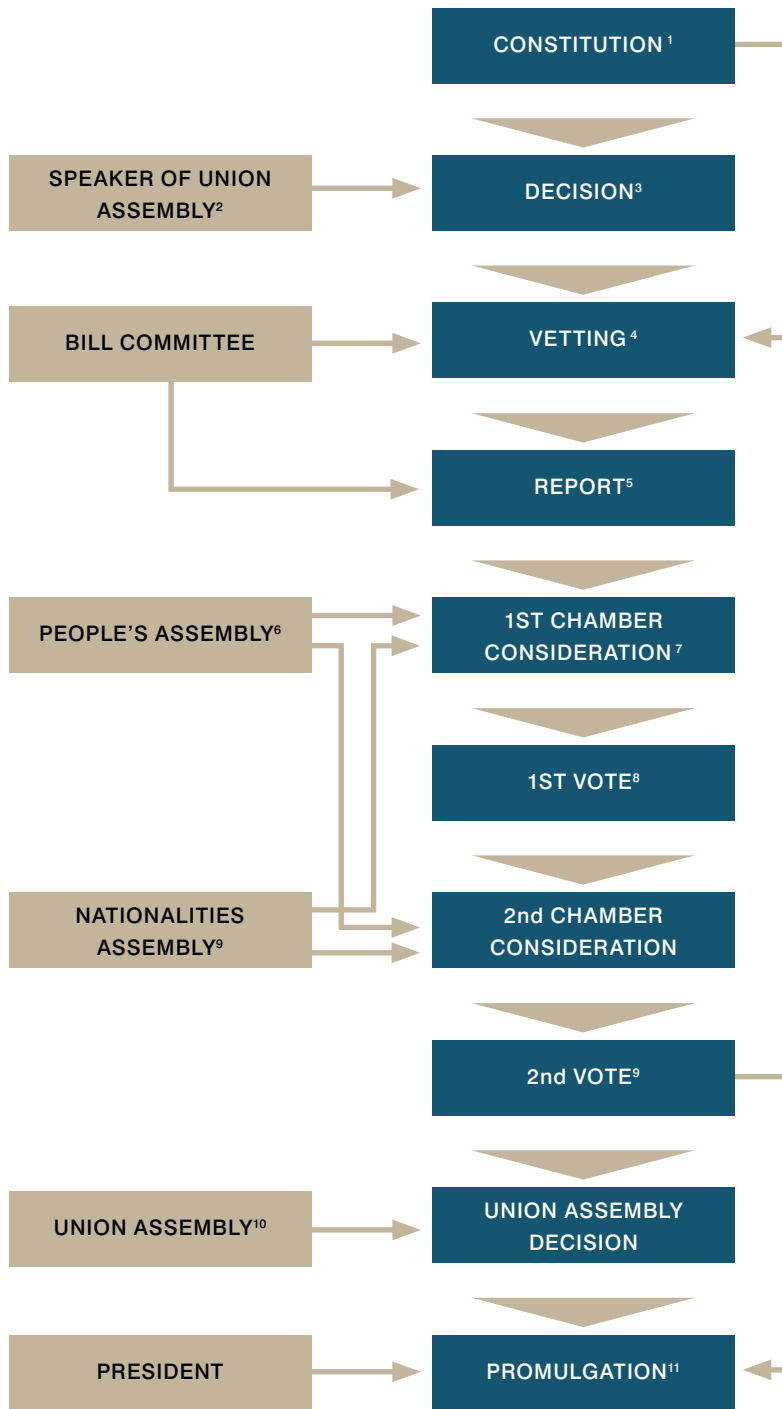
B OVERVIEW OF LEGAL PROCESS AND PROCEDURE FOR PROSECUTION AND SENTENCING OF WILDLIFE CRIMES



PoWCNA Law 44; When a request is made by the forest staff / wildlife staff or assistance in the performance of their duties the People’s Police Force shall render necessary assistance.

Note: During appeal with the Court of Appeals, law enforcement officers, including park warden, forest officers, police officers must continue to coordinate with and assist the prosecutor in handling the case.

C OVERVIEW OF LEGISLATIVE PROCESS OF ASEAN COUNTRIES, MYANMAR¹²



Footnotes:

- 1 Articles 95- 108 of the Constitution gives the People's Assembly legislative power and Articles 156-160 do the same for the Nationalities' Assembly. Whichever chamber proposes a Bill will be the first to consider it. Executive Government also has the power to propose Bills.
- 2 The Speaker of the Union Assembly's position is occupied in rotation by the Speaker of the People's Assembly and the Nationalities' Assembly
- 3 If a Bill is proposed from the Executive Government, the Speaker of the Union Assembly must decide which Chamber it will be passed on to.
- 4 The Bill Committee Vets the Bill to ensure it does not conflict with provisions in the Constitution or existing laws.
- 5 The Bill Committee constructs a report based on its considerations and then sends it to the Speaker and necessary chamber.
- 6 The People's Assembly (Pyithu Hluthlaw) is the lower house. It is comprised of 440 members; 330 elected and 110 from the Defence Forces
- 7 The first chamber considers the bill, debates its issues, and discusses any possible Amendments.
- 8 The vote decides if the Bill is Accepted, Rejected or Accepted with Amendments.
- 9 If the 2nd Chamber votes to also pass the Bill, the Bill goes straight to the President for promulgation. If there is a disagreement the Bill will first go to the Union Assembly for a final decision.
- 10 The Nationalities' Assembly is the upper house. It is comprised of 224 members; 168 elected and 56 from the Defence Forces
- 11 The President has no veto power and must sign the bill into law within 14 days. He can only send the Bill back to the legislature for changes once.
- 12 SHERLOCK S (2015), One ASEAN: Many Systems. Legislative Procedures of AIPA Member Parliaments. ISBN 978-602-72633-1-4. The flowchart for the legislative process was created based on the information provided in this document.

D LIST OF NATIONAL LAWS

- 1 Anti-Trafficking in Persons Laws, - The State Peace and Development Council Law No. 5/ 2005)
13 September 2005
- 2 Anti-Money Laundering Law – The Pyidaungsu Hluttaw Law No. 11/2014, (14 March 2014)
- 3 Anti-Corruption Law, Pyidaungsu Hluttaw, Law No. 23, 2013 (7 August 2013)
- 4 Animal Health and Development Law, The State Law and Order Restoration Council Law No. 17/93
- 5 Cabinet Order Notification No.21/2011
- 6 Constitution of the Republic of the Union of Myanmar 2008
- 7 Counter-Terrorism Law (2014)
- 8 Control of Money Laundering Law – The State Peace and Development Council Law No.6/2002) –
17th June, 2002
- 9 Environmental Conservation Law - The Pyidaungsu Hluttaw Law No. 9/2012 (30 March 2012)
- 10 Environmental Conservation Rule (5 June 2014)
- 11 Electronic Transaction Law – The State Peace and Development Council Law No.5/2004, (30th April 2004)
- 12 Extradition Act 1904
- 13 Freshwater Fisheries Law, The State Law and Order Restoration Council Law, No. 1/91, 4 March 1991
- 14 Forest Law, The State Law and Order Restoration Council Law No.8/92, 3 November 1992
- 15 Mutual Assistance in Criminal Matters Law -The State Peace and Development Council Law No. 4/2004
- 16 Mutual Assistance in Criminal Matters Rules (14 October 2014)
- 17 National Drug Law (30 October 1992) – The State Law and Order Restoration Council Law No.7/92)
- 18 National Food Law (3 March 1997) – The State Law and Order Restoration Council No.5/97
- 19 Penal Code 1861 (as Amended 1948)
- 20 Protection and Preservation of Cultural Heritage Regions Law,The State Peace and Development
Council Law No. 9/98
- 21 Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order
Restoration Council Law No.6/94, 8 June 1994
- 22 Protection of Wildlife and Protected Areas Rule,24 October 2002
- 23 Sea and Land Customs Act 1878, as Amended 2010
- 24 Tariff Law – The State Law and Order Restoration Council Law No.2/92



NATIONAL LAWS PHILIPPINES



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Photography by DENR, Philippines

1 EXECUTIVE SUMMARY

WILDLIFE LAWS

The Philippines has been a member of CITES since 1981.

The legislative framework consists of the Wildlife Resources Conservation and Protection Act (Act No 9147) of 2001, its Implementing Rules and Regulations and Fisheries Code, Republic Act No.8550 as amended by Republic Act No.10654 (“Fisheries Code”). Together they form a very good national CITES-legislation which mostly succeeds to fulfill the basic requirements of the Convention. The law designates the Management and Scientific Authorities, describes their tasks, incorporates all specimens of CITES listed species, penalizes illegal possession, provides for confiscation and designates the competent authorities. These are the main strengths among many others.

The Philippines is the first and only ASEAN member state to have a specific provision in its wildlife laws to set up a conservation fund that would be used to fund, inter-alia, wildlife enforcement efforts.

PENALTIES UNDER WILDLIFE LAWS

Under the Philippines’s wildlife laws, the maximum imprisonment term for wildlife crime is 12 years under Wildlife Resources Conservation and Protection Act (Act No 9147) of 2001 and 20 years under its Fisheries Code¹, the latter of which is the highest in ASEAN and far exceeds the threshold under the UNTOC for it to qualify as a serious crime². This is important in the context of combating the transnational nature of wildlife crime.

The maximum fine for offences under the Fisheries Code is USD 2.4 million³. On the other hand, the maximum fine under the Wildlife Resources Conservation and Protection Act (Act No 9147) of 2001 is only approximately USD 21,000 (Php1 million). This may be an area that can be improved as given the value of illegal wildlife trade, the amount may be on the low side to be an effective deterrence for the criminals, in particular in cases of organized syndicates.

INTERNATIONAL COOPERATION AND OTHER LAWS

It is noteworthy that the Philippines has a high rate of adherence to the relevant international treaties⁴. Relevant laws have been passed or were already in existence to comply with and complement the respective treaties. Notwithstanding that the Philippines is not a party to some of the listed conventions, it has laws on the relevant topics.

The Philippines has robust laws and penalties on anti-corruption and anti-money laundering offences. Wildlife trafficking is a predicate crime under its anti-money laundering laws⁵. With organized syndicates increasing involvement in wildlife trafficking, the Philippines shall definitely benefit from inter-agencies and regional cooperation in the fight against transnational organized crime.

¹ Articles 96 (ban on coral exploitation and exportation) and 102 (fishing or taking of rare, threatened or endangered species), Fisheries Code. In accordance with Article 2 of the UNTOC.

² Article 91(Poaching in Philippines waters), Fisheries Code.

³ See section 2 on International convention, treaties and agreements: relevant laws.

⁴ Anti-Money Laundering Act, RA 9160 (as amended).

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF ACCESSION: 16 NOVEMBER 1981</p>
<p>a. Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001</p> <p>b. Joint DENR-DA-PSCD Implementing Rules and Regulations of RA 9147, National Procedures and Guidelines in the Implementation of RA 9147</p> <p>c. National Integrated Protected Areas System Act, Republic Act No. 7586, 1 June 1992</p> <p>d. Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654</p> <p>e. Indigenous Peoples Rights Act, R.A. No. 8371, 29 Oct 1997</p> <p>f. Strategic Environmental Plan for Palawan, R.A. No. 7611, 19 June 1992</p> <p>g. National Caves and Caves Resources Management and Protection Act, R.A. No. 9072, 8 April 2001</p> <p>h. Promoting Animal Welfare in the Philippines Act, R.A. No. 8485, 11 Feb 1998</p>	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF RATIFICATION: 28 MAY 2002</p>
<p>a. Executive Order No. 62 Creating the Philippine Center on Transnational Crime to Formulate and Implement a Concerted Program of Action of all Law Enforcement, Intelligence and other Agencies for the Prevention and Control of Transnational Crime, 15 January 1999</p>	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF ACCESSION: 8 NOV 2006</p>
<p>a. Anti-graft and Corrupt Practices Act (RA 3019, 1960)/ 17 August 1960</p>	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF ACCESSION: 25 JUNE 2010</p>
<p>a. Presidential Decree No. 1464, A Decree to Consolidate and Codify all the Tariff and Customs Laws of the Philippines, 11 June 1978</p> <p>b. Tariff and Customs Code of the Philippines Volumes I and II</p>	
<p>5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995</p>	<p>DATE OF RATIFICATION: 1 JANUARY 1995</p>
<p>a. Presidential Decree No. 856/Code on Sanitation of the Philippines, 23 December 1975</p>	
<p>6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL</p>	<p>DATE OF RATIFICATION: 10 AUGUST 1993</p>
<p>a. Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001</p>	
<p>7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972</p>	<p>DATE OF ACCESSION: 19 SEPTEMBER 1985</p>
<p>a. National Cultural Heritage Act , RA 10066/ 26 March 2010</p>	

<p>8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2004</p>	<p>DATE OF ACCESSION: 6 OCTOBER 2008</p>
<p>a. Extradition Law 1977, PD 1069 b. Anti-Money Laundering Act, RA 9160, as amended/29 September 2001</p>	
<p>9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION - THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012</p>	<p>DATE OF RATIFICATION: APG FOUNDING MEMBER 1997</p>
<p>a. Anti-Money Laundering Act, RA 9160, as amended/29 September 2001 b. An Act further strengthening the Anti-Money Laundering Law, amending for the purpose Republic Act No. 9160, otherwise known as the "Anti-Money Laundering Act of 2001, as Amended, Republic Act No. 10365, 6 Feb 2013</p>	

3 BILATERAL/MULTILATERAL AGREEMENTS /MOUS RELATING TO IMPLEMENTATION AND ENFORCEMENT OF CITES REGIME

1 PHILIPPINE-MALAYSIA JOINT MANAGEMENT COMMITTEE (JMC) FOR THE TURTLE ISLANDS HERITAGE PROTECTED AREA (TIHPA)	31 MAY, 1996
A bilateral agreement to conserve and protect marine turtles and their habitats within TIHPA.	Philippines and Malaysia
2 MEMORANDUM OF UNDERSTANDING BETWEEN INDONESIA, MALAYSIA AND THE PHILIPPINES ON THE ADOPTION OF THE CONSERVATION PLAN FOR THE SULU-SULAWESI MARINE ECOREGION (SSME)	13 FEBRUARY 2004
The agreements in the MOU are implemented by the Tri-National National Committee which has a Sub-committee working on Threatened, Charismatic and Migratory Species (TCMS).	Philippines, Indonesia and Malaysia

4 KEY PROVISIONS OF WILDLIFE LAWS

4.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A <i>Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001</i>	
AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
ARTICLE NO.	PROVISIONS
27	<p>Illegal Acts. -</p> <p>Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts;</p> <ol style="list-style-type: none"> a. killing and destroying wildlife species, except in the following instances; <ol style="list-style-type: none"> (i) when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities; (ii) when the wildlife is afflicted with an incurable communicable disease; (iii) when it is deemed necessary to put an end to the misery suffered by the wildlife; (iv) when it is done to prevent an imminent danger to the life or limb of a human being; and (v) when the wildlife is killed or destroyed after it has been used in authorized research or experiments. b. inflicting injury which cripples and/or impairs the reproductive system of wildlife species; c. effecting any of the following acts in critical habitat(s) <ol style="list-style-type: none"> (i) dumping of waste products detrimental to wildlife; (ii) squatting or otherwise occupying any portion of the critical habitat; (iii) mineral exploration and/or extraction; (iv) burning; (v) logging; and (vi) quarrying d. introduction, reintroduction or restocking of wildlife resources; e. trading of wildlife; f. collecting, hunting or possessing wildlife, their by-products and derivatives; g. gathering or destroying of active nests, nest trees, host plants and the like; h. maltreating and/or inflicting other injuries not covered by the preceding paragraph; and i. transporting of wildlife.
28	<p>Penalties for Violations of this Act. For any person who undertakes illegal acts under paragraph (a) of the immediately preceding section to any species as may be categorized pursuant to this Act, the following penalties and/or fines shall be imposed;</p> <ol style="list-style-type: none"> a. imprisonment of a minimum of six (6) years and one (1) day to twelve (12) years and/or a fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), if inflicted or undertaken against species listed as critical; b. imprisonment of four (4) and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00) if inflicted or undertaken against endangered species; c. imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against vulnerable species;

A Section continued

ARTICLE NO.

PROVISIONS

e. imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00) if inflicted or undertaken against other threatened species; and

f. imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraph (b) of the immediately preceding section, the following penalties and/or fines shall be imposed;

a. imprisonment of minimum of four (4) years and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if inflicted or undertaken against species listed as critical;

b. imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty thousand pesos (P30,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;

c. imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against vulnerable species;

d. imprisonment of six (6) months and one (1) day to one (1) year and/or fine of Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against other threatened species;
and

e. Imprisonment of one (1) month to six (6) months and/or a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraphs (c) and (d) of the immediately preceding section, an imprisonment of one (1) month to eight (8) years and/or a fine of Five thousand pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.

For illegal acts under paragraph (e), the following penalties and/or fines shall be imposed:

a. imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Five thousand pesos (P5,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;

b. imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Two thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;

c. imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of One thousand pesos (P1,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;

d. imprisonment of one (1) month and one (1) day to six (6) months and/or a fine of Five hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species listed as threatened species; and

e. Imprisonment of ten (10) days to one (1) month and/or a fine of Two hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraphs (f) and (g) of the immediately preceding section, the following penalties and/or fines shall be imposed:

a. imprisonment of two (2) years and one (1) day to four (4) years and a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;

b. imprisonment of one (1) year and one (1) day to two (2) years and a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>c. imprisonment of six (6) months and one (1) day to one (1) year and a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;</p> <p>d. imprisonment of one (1) month and one (1) day to six (6) months and a fine of Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species as other threatened species; and</p> <p>e. imprisonment of ten (10) days to one (1) month and a fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against other wildlife species: Provided, That in case of paragraph (f), where the acts were perpetuated through the means of inappropriate techniques and devices, the maximum penalty herein provided shall be imposed.</p> <p>For illegal acts under paragraph (h) and (i) of the immediately preceding section, the following penalties and/or fines shall be imposed:</p> <p>a. imprisonment of six (6) months and one (1) day to one (1) year and a fine of Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00) if inflicted or undertaken against species listed as critical species;</p> <p>b. imprisonment of three (3) months and one (1) day to six (6) months and a fine of Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against endangered species;</p> <p>c. imprisonment of one (1) month and one (1) day to three (3) months and a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against vulnerable species;</p> <p>d. imprisonment of ten (10) days to one (1) month and a fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against species listed as other threatened species;</p> <p>e. Imprisonment of five (5) days to ten (10) days and a fine of Two hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or undertaken against other wildlife species.</p> <p>All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be ipso facto forfeited in favor of the government; Provided, That where the ownership of the aforesaid conveyances belong to third persons who has no participation in or knowledge of the illegal acts, the same may be released to said owner. The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.</p> <p>If the offender is an alien, he shall be deported after service and payment of fines, without any further proceedings.</p> <p>The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.</p>

B Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654	
AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
ARTICLE NO.	PROVISIONS
86	<p>Unauthorized Fishing. –</p> <p>a. It shall be unlawful for any person to capture or gather or to cause the capture or gathering of fish, fry or fingerlings of any fishery species or fishery products without license or permit from the Department or LGU.</p> <p>Except in cases specified under this Code, it shall also be unlawful for any commercial fishing vessel to fish in municipal waters.</p> <p>The discovery of any person in possession of a fishing gear or operating a fishing vessel in a fishing area where he has no license or permit shall constitute & prima facie presumption</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>that the person is engaged in unauthorized fishing: Provided, That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.</p> <p>Upon a summary finding of administrative liability, the boat captain and the three (3) highest officers of the commercial fishing vessel and the owner or operator who violate this provision shall be penalized with confiscation of catch and gear, and an administrative fine of five (5) times the value of the catch or the amount indicated below, whichever is higher:</p> <ol style="list-style-type: none">(1) Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;(2) One hundred fifty thousand pesos (P150,000.00) to Five hundred thousand pesos (P500,000.00) for medium-scale commercial fishing; and(3) One million pesos (P1,000,000.00) to Five million pesos (P5,000,000.00) for large-scale commercial fishing. <p>Upon conviction by a court of law, the boat captain and the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and confiscation of catch and gear and twice the amount of the administrative fine.</p> <p>b. It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters.</p> <p>Upon a summary finding of administrative liability, the offender of this provision shall be punished with an administrative fine equivalent to twice the value of catch or Five thousand pesos (P5,000.00), whichever is higher, and confiscation of the catch and fishing gear: Provided, That if the offender fails to pay the fine, he shall render community service.</p>
87	<p>Engaging in Unauthorized Fisheries Activities. –</p> <p>It shall be unlawful for any person to exploit, occupy, produce, breed or culture fish, fry or fingerlings of any fishery species or fishery products or construct and operate fish corrals, fish traps, fish pens and fish cages or fishponds without a license, lease or permit.</p> <p>The discovery of any person engaging in any of the above activities without a lease, license or permit shall constitute & prima facie presumption that the person is engaged in unauthorized fisheries activity.</p> <p>Upon a summary finding of administrative liability, the offender shall be penalized with an administrative fine of Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00), the dismantling or removal of the structure at the expense of the offender, the rehabilitation of the area affected by the activity and confiscation of stocks.</p> <p>Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment of six (6) months, a fine equivalent to twice the amount of the administrative fine, the dismantling or removal of the structure at the expense of the offender, the rehabilitation of the area affected by the activity and confiscation of stocks.</p>
91	<p>Poaching in Philippine Waters. –</p> <p>It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.</p> <p>The entry of any foreign fishing vessel in Philippine waters shall constitute a prima facie presumption that the vessel is engaged in fishing in Philippine waters.</p> <p>Upon a summary finding of administrative liability, any foreign person, corporation or entity in violation of this section shall be punished by an administrative fine of Six hundred thousand US dollars (US\$600,000.00) to One million US dollars (US\$1,000,000.00) or its equivalent in Philippine currency.</p> <p>Upon conviction by a court of law, the offender shall be punished with a fine of One million two hundred thousand US dollars (US\$1,200,000.00), or its equivalent in Philippine currency, and confiscation of catch, fishing equipment and fishing vessel.</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>If the offender is caught within internal waters, an additional penalty of imprisonment of six (6) months and one (1) day to two (2) years and two (2) months shall be imposed. If apprehended for the second time within internal waters, the offender shall be punished with imprisonment of three (3) years and a fine of Two million four hundred thousand US dollars (US\$2,400,000.00) or its equivalent in Philippine currency: Provided, That no foreign person shall be deported without the payment of the imposed judicial and/or administrative fines and service of sentence, if any.</p>
96	<p>Ban on Coral Exploitation and Exportation. –</p> <p>It shall be unlawful for any person or corporation to gather, possess, commercially transport, sell or export ordinary, semi-precious and precious corals, whether raw or in processed form, except for scientific or research purposes. It shall also be unlawful for any person, corporation or entity to commit any activity that damage coral reefs.</p> <p>Upon a summary finding of administrative liability, the owner/operator of the fishing vessel/s, boat captain, master fisherman, and recruiter or organizer of fish workers shall be punished with an administrative fine equivalent to eight (8) times the value of the corals gathered, possessed, commercially transported, sold, or exported, or the amount of Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), whichever is higher, and forfeiture of the subject corals. The offender shall also pay compensation for the restoration of the damaged coral reefs.</p> <p>Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fish workers, shall be punished by imprisonment from ten (10) years to twenty (20) years and a fine equivalent to twice the administrative fine and forfeiture of the subject corals.</p> <p>The offender shall also be required to pay the cost of restoration of the damaged coral reefs based on available studies and as determined by the Department.</p>
101	<p>Fishing in Marine Protected Areas, Fishery Reserves, Refuge and Sanctuaries. –</p> <p>It shall be unlawful to fish in marine protected areas, fishery reserves, refuge, or fish sanctuaries as declared by the Department or the LGUs.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and gear, and administrative fine of twice the value of the catch or the amount indicated below, whichever is higher:</p> <ol style="list-style-type: none">(1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, community service shall be rendered;(2) Two hundred thousand pesos (P200,000.00) for small-scale commercial fishing;(3) Six hundred thousand pesos (P600,000.00) for medium-scale commercial fishing; and(4) One million pesos (P1,000,000.00) for large-scale commercial fishing. <p>Upon conviction by a court of law, violation of this provision shall be punished by imprisonment of two (2) years to six (6) years and a fine twice the amount of the administrative fine, confiscation of catch and gear, and cancellation of license or permit.</p>
102	<p>Fishing or Taking of Rare, Threatened or Endangered Species. –</p> <p>a. It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to five times (5) times the value of the species or Five hundred thousand pesos (P500,000.00) to Five million pesos (P5,000,000.00), whichever is higher, and forfeiture of the species.</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>Upon conviction by a court of law, the offender shall be punished by imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine equivalent to twice the administrative fine, forfeiture of the species and the cancellation of fishing permit.</p> <p>b. It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years and a fine equivalent to twice the administrative fine and forfeiture of the species.</p> <p>c. It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild.</p> <p>Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years, a fine equivalent to three (3) times the value of the species or Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Should the violation be committed by a vessel manned by more than two (2) persons, the captain, master, and two highest ranking officers of the vessel involved in the fishing or taking of such protected marine life shall be presumed to have committed the prohibited act.</p>
103	<p>Capture of Sabalo and Other Breeders/Spawners. –</p> <p>It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or sabalo and other breeders or spawners of other fishery species as may be determined by the Department: Provided, That catching of sabalo and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines that shall be promulgated by the Department.</p> <p>Upon a summary finding of administrative liability, an offender shall be punished with a fine equivalent to five (5) times the value of the sabalo, other breeders, or spawners gathered or captured, or Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture of catch and gear.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and a fine equivalent to twice the amount of the administrative fine, forfeiture of catch and fishing equipment used, and suspension or revocation of license.</p>
104	<p>Exportation of Breeders, Spawners, Eggs or Fry. –</p> <p>Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall be punished under this Act: Provided, That the export of hatchery-bred or captive-bred breeder, spawner, egg or fry, may be allowed subject to the regulations to be promulgated by the Department.</p> <p>Failure on the part of the shipping or forwarding company from whose possession the breeders, spawners, eggs, or fry are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities on the matter shall create a presumption that there is connivance or conspiracy between the company and the shipper to violate the provisions of this section.</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine equivalent to three (3) times the value of the breeders, spawners, eggs, or fry exported or One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, confiscation of breeders, spawners, eggs or fry, suspension or revocation of license for commercial fishing and/or registration as exporter. Upon conviction by a court of law, the offender shall be punished by imprisonment of eight (8) years to ten (10) years, confiscation of breeders, spawners, eggs or fry, a fine equivalent to twice the amount of the administrative fine, revocation of the fishing license, and/or suspension or revocation of registration as exporter.</p>
105	<p>Importation or Exportation of Fish or Fishery Species. –</p> <p>Any importation or exportation of fish or fishery species in violation of this Code shall be unlawful.</p> <p>Failure on the part of the shipping or forwarding company from whose possession the fish or fishery species imported or exported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of five (5) times the value of the species or Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished with eight (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or destruction of the species: Provided, That offenders shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department.</p>
126	<p>Possessing, Dealing in or Disposing Illegally Caught or Taken Fish. –</p> <p>It shall be unlawful to ship, commercially transport, offer for sale, sell, import, export, or have custody, control, or possession of, or to deal in or in any manner dispose of any fish or species caught, taken or retained in violation of this Code.</p> <p>The discovery of any fish or species caught with the use of explosives or noxious or poisonous substances shall constitute a prima facie presumption that the possessor, seller, fish dealer, transporter, importer, or exporter thereof has knowledge that the fish or species was caught or taken in violation of this Code.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00) or five (5) times the value of fish or species, whichever is higher, and confiscation of the same.</p> <p>Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years, and fine of eight (8) times the value of the species or from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher and confiscation of the fish or fishery products and suspension or revocation of registration or license.</p>

C Republic Act No. 7586 - An Act Providing For The Establishment And Management Of National Integrated Protected Areas System, Defining Its Scope And Coverage, And For Other Purposes

AGENCY	Department of Environment and Natural Resources (DENR)
ARTICLE NO.	PROVISIONS
20	<p>Prohibited Acts.</p> <p>Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:</p> <ol style="list-style-type: none"> a. Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the Management Board; b. Dumping of any waste products detrimental in the protected area, or to the plants and animals or inhabitants therein; c. Use of any motorized equipment without A permit from the Management Board; d. Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value) ; e. Damaging and leaving roads and trails in a damaged condition; f. Squatting, mineral locating, or otherwise occupying any land; g. Constructing or maintaining any kind of structure fence or enclosures, conducting any business enterprise without a permit ; h. Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and i. Altering, removing destroying or defacing boundary marks or signs.
21	<p>Penalties.-</p> <p>Whoever violates this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offenses in the preceding section shall be fined in the amount of not less than Five thousand pesos (P5,000) nor more than Five hundred thousand pesos (P500,000), exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but not more than six (6) years, or both, as determined by the court:</p> <p>Provided, That, if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration to the damage:</p> <p>Provided, further, That the court shall order the eviction of the offender from the land and the forfeiture in favor of the Government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and Laborers: Provided, finally, That the DENR may impose administrative fines and penalties consistent with this Act.</p>

D Republic Act No. 9072 -National Caves and Cave Resources Management and Protection Act	
AGENCY	Department of Environment and Natural Resources (DENR)
ARTICLE NO.	PROVISIONS
3	<p>Definition of Terms. - For purposes of this Act, the following terms shall be defined as follows:</p> <p>b. "Cave resources" includes any material or substance occurring naturally in caves, such as animal life, plant life, including paleontological and archaeological deposits, cultural artifacts or products of human activities, sediments, minerals, speleogems and speleothems.</p>
7	<p>Prohibited Acts. - The following shall be considered Prohibited Acts:</p> <p>a. Knowingly destroying, disturbing, defacing, marring, altering, removing, or harming the speleogem or speleothem of any cave or altering the free movement of any animal or plant life into or out of any cave;</p> <p>b. Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority any, cave resource;</p> <p>c. Counselling, procuring, soliciting or employing any other person to violate any provisions of this Section.</p>
8	<p>Penalties. - Any person found guilty of any of the offenses enumerated under Section 7 hereof shall be punished by imprisonment from two (2) years to six (6) years or a fine ranging from Twenty thousand pesos (P20,000) to five hundred thousand pesos (P500,000.00) or both at the discretion of the Court: Provided, That the person furnishing the capital to accomplish the acts punishable herein shall be punished by imprisonment from six (6) years and one (1) day to eight (8) years or by a fine ranging from Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00) or both at the Discretion of the Court: Provided, further, That if the area requires rehabilitation or restoration as determined by the Court, the offender shall also be required to restore the same, whenever practicable or compensate for the damage: Provided finally that if the offender is a government employee, he or she shall likewise be removed from office.</p>

4.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT / ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

- A** *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*
- B** *Joint DENR-DA-PCSD Implementing Rules and Regulations of RA 9147, National Procedures and Guidelines in the Implementation of RA 9147*
- C** *DENR Special order No. 2013-354*
- D** *Memorandum of Agreement (MOA) to abate Illegal Wildlife Trade, 22 August 2005 , (Creation of Task Force Wildlife- NCR)*

AGENCY	Department of Environment and Natural Resources (DENR)
ARTICLE NO.	PROVISIONS
	<p>Rule 6.1 of the Joint DENR-DA-PCSD Administrative Order No. 01 dated May 18, 2004 provides that "In order to assist the Secretary and the Council in the implementation of this IRR, a National Wildlife Management Committee (NWMC) shall be created separately by the DENR, DA and PCSD to provide technical and scientific advice. The NWMC shall be composed of representatives from the DENR, DA or PCSD, as the case may be, Environmental Management Bureau (EMB), other concerned government agencies, and local scientists with expertise on various fields of discipline on wildlife. Stakeholders may be invited as resource persons, when necessary. The DENR, DA or PCSD shall act as Chairperson of their respective Committees" DENR Special order No. 2013-354 – Creation of the Philippine Operations group on Ivory (POGI) Memorandum of Agreement (MOA) to abate Illegal Wildlife Trade, 22 August 2005, (Creation of Task Force Wildlife- NCR)</p>

4.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY AT LEAST FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY¹ OR BY LAW

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
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ARTICLE NO.	PROVISIONS
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Penalties for Violations of this Act.

For any person who undertakes illegal acts under paragraph (a) of the immediately preceding section to any species as may be categorized pursuant to this Act, the following penalties and/or fines shall be imposed;

- a. imprisonment of a minimum of six (6) years and one (1) day to twelve (12) years and/or a fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), if inflicted or undertaken against species listed as critical;
- b. imprisonment of four (4) and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00) if inflicted or undertaken against endangered species;
- c. imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against vulnerable species;
- d. imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00) if inflicted or undertaken against other threatened species; and
- e. imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other wildlife species.

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For illegal acts under paragraph (e), the following penalties and/or fines shall be imposed:

- a. imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Five thousand pesos (P5,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;
- b. imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Two thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
- c. imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of One thousand pesos (P1,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;
- d. imprisonment of one (1) month and one (1) day to six (6) months and/or a fine of Five hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species listed as threatened species; and
- e. Imprisonment of ten (10) days to one (1) month and/or a fine of Two hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraphs (f) and (g) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- a. imprisonment of two (2) years and one (1) day to four (4) years and a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;
- b. imprisonment of one (1) year and one (1) day to two (2) years and a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
- c. imprisonment of six (6) months and one (1) day to one (1) year and a fine of Ten thousand

¹ Per definition in UNTOC

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;</p> <p>d. imprisonment of one (1) month and one (1) day to six (6) months and a fine of Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species as other threatened species; and</p> <p>e. imprisonment of ten (10) days to one (1) month and a fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against other wildlife species: Provided, That in case of paragraph (f), where the acts were perpetuated through the means of inappropriate techniques and devices, the maximum penalty herein provided shall be imposed.</p>

B Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654	
AGENCY	PROVISIONS
	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
ARTICLE NO.	PROVISIONS
101	<p>Fishing in Marine Protected Areas, Fishery Reserves, Refuge and Sanctuaries. – It shall be unlawful to fish in marine protected areas, fishery reserves, refuge, or fish sanctuaries as declared by the Department or the LGUs.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and gear, and administrative fine of twice the value of the catch or the amount indicated below, whichever is higher:</p> <p>(1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, community service shall be rendered;</p> <p>(2) Two hundred thousand pesos (P200,000.00) for small-scale commercial fishing;</p> <p>(3) Six hundred thousand pesos (P600,000.00) for medium-scale commercial fishing; and One million pesos (P1,000,000.00) for large-scale commercial fishing.</p> <p>(4) Upon conviction by a court of law, violation of this provision shall be punished by imprisonment of two (2) years to six (6) years and a fine twice the amount of the administrative fine, confiscation of catch and gear, and cancellation of license or permit.</p>
102	<p>Fishing or Taking of Rare, Threatened or Endangered Species. –</p> <p>a. It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to five times (5) times the value of the species or Five hundred thousand pesos (P500,000.00) to Five million pesos (P5,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine equivalent to twice the administrative fine, forfeiture of the species and the cancellation of fishing permit.</p> <p>b. It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years and a fine equivalent to twice the administrative fine and forfeiture of the species.</p> <p>c. It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild.</p> <p>Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years, a fine equivalent to three (3) times the value of the species or Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Should the violation be committed by a vessel manned by more than two (2) persons, the captain, master, and two highest ranking officers of the vessel involved in the fishing or taking of such protected marine life shall be presumed to have committed the prohibited act.</p>
105	<p>Importation or Exportation of Fish or Fishery Species. –</p> <p>Any importation or exportation of fish or fishery species in violation of this Code shall be unlawful.</p> <p>Failure on the part of the shipping or forwarding company from whose possession the fish or fishery species imported or exported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of five (5) times the value of the species or Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished with eight (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or destruction of the species: Provided, That offenders shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department.</p>
124	<p>Noncompliance with the Requirements for the Introduction of Foreign or Exotic Aquatic Species. –</p> <p>It shall be unlawful to import, introduce, or breed, foreign or exotic aquatic species without the conduct of risk analysis and prior approval of the Department.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with a fine of Two hundred thousand pesos (P200,000.00) to Six million pesos (P6,000,000.00) and confiscation and destruction of the foreign or exotic species. Should the species become invasive and result to predation of native aquatic biota, loss of income or damage to the habitat, the offender shall bear the costs of containment, eradication and/or restoration.</p> <p>Upon conviction by a court of law the offender shall suffer the penalty of imprisonment of six (6) years to (12) years and fine from Four hundred thousand pesos (P400,000.00) to Twelve million pesos (P12,000,000.00), confiscation of foreign or exotic species and the costs for containment, eradication or restoration.</p>
126	<p>Possessing, Dealing in or Disposing Illegally Caught or Taken Fish. –</p> <p>It shall be unlawful to ship, commercially transport, offer for sale, sell, import, export, or have custody, control, or possession of, or to deal in or in any manner dispose of any fish or species caught, taken or retained in violation of this Code.</p> <p>The discovery of any fish or species caught with the use of explosives or noxious or poisonous substances shall constitute a prima facie presumption that the possessor,</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>seller, fish dealer, transporter, importer, or exporter thereof has knowledge that the fish or species was caught or taken in violation of this Code.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00) or five (5) times the value of fish or species, whichever is higher, and confiscation of the same.</p> <p>Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years, and fine of eight (8) times the value of the species or from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher and confiscation of the fish or fishery products and suspension or revocation of registration or license.</p>

C Republic Act No. 7586 - An Act Providing For The Establishment And Management Of National Integrated Protected Areas System, Defining Its Scope And Coverage, And For Other Purposes

AGENCY	Department of Environment and Natural Resources (DENR)
ARTICLE NO.	PROVISIONS
21	<p>Penalties.-</p> <p>Whoever violates this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offenses in the preceding section shall be fined in the amount of not less than Five thousand pesos (P5,000) nor more than Five hundred thousand pesos (P500,000), exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but not more than six (6) years, or both, as determined by the court: Provided, That, if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration to the damage: Provided, further, That the court shall order the eviction of the offender from the land and the forfeiture in favor of the Government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and Laborers: Provided, finally, That the DENR may impose administrative fines and penalties consistent with this Act.</p>

D Republic Act No. 9072 -National Caves and Cave Resources Management and Protection Act

AGENCY	Department of Environment and Natural Resources (DENR)
ARTICLE NO.	PROVISIONS
8	<p>Penalties. -</p> <p>Any person found guilty of any of the offenses enumerated under Section 7 hereof shall be punished by imprisonment from two (2) years to six (6) years or a fine ranging from Twenty thousand pesos (P20,000) to five hundred thousand pesos (P500,000.00) or both at the discretion of the Court: Provided, That the person furnishing the capital to accomplish the acts punishable herein shall be punished by imprisonment from six (6) years and one (1) day to eight (8) years or by a fine ranging from Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00) or both at the Discretion of the Court: Provided, further, That if the area requires rehabilitation or restoration as determined by the Court, the offender shall also be required to restore the same, whenever practicable or compensate for the damage: Provided finally that if the offender is a government employee, he or she shall likewise be removed from office.</p>

4.4 PROTECTION OF NON-NATIVE SPECIES

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY	Department of Environment and Natural Resources (DENR)
ARTICLE NO.	PROVISIONS
11	<p>Exportation and/or Importation of Wildlife.</p> <p>Wildlife species may be exported to or imported from another country as may be authorized by the Secretary or the designated representative, subject to strict compliance with the provisions of this Act and rules and regulations promulgated pursuant thereto: Provided, That the recipient of the wildlife is technically and financially capable to maintain it.</p>
22	<p>Determination of Threatened Species. -</p> <p>The Secretary shall determine whether any wildlife species or subspecies is threatened, and classify the same as critically endangered, endangered, vulnerable or other accepted categories based on the best scientific data and with due regard to internationally accepted criteria, including but not limited to the following:</p> <ol style="list-style-type: none"> a. present or threatened destruction, modification or curtailment of its habitat or range; b. over-utilization for commercial, recreational, scientific or educational purposes; c. inadequacy of existing regulatory mechanisms; and d. other natural or man-made factors affecting the existence of wildlife. <p>The Secretary shall review, revise and publish the list of categorized threatened wildlife within one (1) year after effectivity of this Act. Thereafter, the list shall be updated regularly or as the need arises: Provided, That a species listed as threatened shall not be removed there from within three (3) years following its initial listing.</p> <p>Upon filing of a petition based on substantial scientific information of any person seeking for the addition or deletion of a species from the list, the Secretary shall evaluate in accordance with the relevant factors stated in the first paragraph of this section, the status of the species concerned and act on said petition within a reasonable period.</p> <p>The Secretary shall also prepare and publish a list of wildlife which resembles so closely in appearance with listed threatened wildlife, which species shall likewise be categorized as threatened.</p>

B *Joint Implementing Rules And Regulations (IRR) Pursuant To Republic Act No. 9147*

AGENCY	Department of Environment and Natural Resources (DENR), Department of Agriculture (DA), Palawan Council for Sustainable Development (PCSD)
ARTICLE NO.	PROVISIONS
11.3	<p>Importation of exotic species may be allowed by the Secretary or the authorized representative based on sound ecological, biological and environmental justification resulting from scientific studies, subject to biosafety standards and import risk analysis and/or other sanitary and phytosanitary measures.</p>
11.4	<p>The Secretary shall promulgate rules and regulations for the importation and introduction of exotic wildlife species.</p>

C Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654

AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
ARTICLE NO.	PROVISIONS
105	<p>Importation or Exportation of Fish or Fishery Species. –</p> <p>Any importation or exportation of fish or fishery species in violation of this Code shall be unlawful. Failure on the part of the shipping or forwarding company from whose possession the fish or fishery species imported or exported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of five (5) times the value of the species or Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished with eight (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or destruction of the species: Provided, That offenders shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department.</p>
124	<p>Noncompliance with the Requirements for the Introduction of Foreign or Exotic Aquatic Species.</p> <p>It shall be unlawful to import, introduce, or breed, foreign or exotic aquatic species without the conduct of risk analysis and prior approval of the Department.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with a fine of Two hundred thousand pesos (P200,000.00) to Six million pesos (P6,000,000.00) and confiscation and destruction of the foreign or exotic species. Should the species become invasive and result to predation of native aquatic biota, loss of income or damage to the habitat, the offender shall bear the costs of containment, eradication and/or restoration.</p> <p>Upon conviction by a court of law the offender shall suffer the penalty of imprisonment of six (6) years to (12) years and fine from Four hundred thousand pesos (P400,000.00) to Twelve million pesos (P12,000,000.00), confiscation of foreign or exotic species and the costs for containment, eradication or restoration.</p>
126	<p>Possessing, Dealing in or Disposing Illegally Caught or Taken Fish.</p> <p>It shall be unlawful to ship, commercially transport, offer for sale, sell, import, export, or have custody, control, or possession of, or to deal in or in any manner dispose of any fish or species caught, taken or retained in violation of this Code.</p> <p>The discovery of any fish or species caught with the use of explosives or noxious or poisonous substances shall constitute a prima facie presumption that the possessor, seller, fish dealer, transporter, importer, or exporter thereof has knowledge that the fish or species was caught or taken in violation of this Code.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00) or five (5) times the value of fish or species, whichever is higher, and confiscation of the same.</p> <p>Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years, and fine of eight (8) times the value of the species or from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher and confiscation of the fish or fishery products and suspension or revocation of registration or license.</p>

4.5 CATEGORIES OF WILDLIFE

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY Department of National Parks, Wildlife and Plant Conservation

ARTICLE NO. PROVISIONS

- 5
- xxx
- f. "Critically endangered species" refers to a species or subspecies that is facing extremely high risk of extinction in the wild in the immediate future;
 - h. "Endangered species" refers to species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating;
 - i. "Endemic species" Means species or subspecies which is naturally occurring and found only within specific areas in the country;
 - j. "Exotic species" means species or subspecies which do not naturally occur in the country;
 - s. "Threatened species" a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction;
 - w. "Vulnerable species" refers to species or subspecies that is not critically endangered nor endangered but is under threat from adverse factors throughout their range and is likely to move to the endangered category in the near future;
- xxx

B *Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654 - An Act to Prevent, Deter And Eliminate Illegal, Unreported And Unregulated Fishing, Amending Republic Act No. 8550, Otherwise Known As "The Philippine Fisheries Code Of 1998," And For Other Purposes*

AGENCY Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture

ARTICLE NO. PROVISIONS

- 4
- 17 Endangered, Rare and/or Threatened Species - aquatic plants, animals, including some varieties of corals and sea shells in danger of extinction as provided for in existing fishery laws, rules and regulations or in the Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources (DENR) and in the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES).

4.6 MECHANISM FOR REVIEW AND UPDATE OF PROTECTED SPECIES LIST

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY Department of Environment and Natural Resources (DENR)

ARTICLE NO. PROVISIONS

- 22
- Determination of Threatened Species.
- The Secretary shall determine whether any wildlife species or subspecies is threatened, and classify the same as critically endangered, endangered, vulnerable or other accepted categories based on the best scientific data and with due regard to internationally accepted criteria, including but not limited to the following:
- a. present or threatened destruction, modification or curtailment of its habitat or range;
 - b. over-utilization for commercial, recreational, scientific or educational purposes;
 - c. inadequacy of existing regulatory mechanisms; and
 - d. other natural or man-made factors affecting the existence of wildlife.
- The Secretary shall review, revise and publish the list of categorized threatened wildlife within one (1) year after effectivity of this Act. Thereafter, the list shall be updated regularly

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>or as the need arises: Provided, That a species listed as threatened shall not be removed there from within three (3) years following its initial listing.</p> <p>Upon filing of a petition based on substantial scientific information of any person seeking for the addition or deletion of a species from the list, the Secretary shall evaluate in accordance with the relevant factors stated in the first paragraph of this section, the status of the species concerned and act on said petition within a reasonable period.</p> <p>The Secretary shall also prepare and publish a list of wildlife which resembles so closely in appearance with listed threatened wildlife, which species shall likewise be categorized as threatened.</p>

B Joint Implementing Rules And Regulations (IRR) Pursuant To Republic Act No. 9147	
AGENCY	Department of Environment and Natural Resources (DENR), Department of Agriculture (DA), Palawan Council for Sustainable Development (PCSD)
ARTICLE NO.	PROVISIONS
4	<p>Jurisdiction of the Department of Environment and Natural Resources and the Department of Agriculture. The Department of Environment and Natural Resources (DENR) shall have jurisdiction over all terrestrial plant and animal species, all turtles and tortoises and wetland species, including but not limited to crocodiles, waterbirds and all amphibians and dugong. The Department of Agriculture (DA) shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources, including but not limited to all fishes, aquatic plants, invertebrates and all marine mammals, except dugong. The Secretaries of the DENR and the DA shall review, and by joint administrative order, revise and regularly update the list of species under their respective jurisdiction. In the Province of Palawan, jurisdiction herein conferred is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.</p>

C Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654	
AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
ARTICLE NO.	PROVISIONS
102	<p>Fishing or Taking of Rare, Threatened or Endangered Species.</p> <p>a. It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.</p> <p>xxx</p>

4.7 HUNTING OF WILDLIFE	
A Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001	
AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
ARTICLE NO.	PROVISIONS
7	<p>Collection of Wildlife. Collection of wildlife may be allowed in accordance with Section 6 of this Act: Provided, That in the collection of wildlife, appropriate and acceptable wildlife collection techniques with least or no detrimental effects to the existing wildlife populations and their habitats shall, likewise, be required:</p> <p>Provided, further, That collection of wildlife by indigenous people may be allowed for traditional use and not primarily for trade: Provided, furthermore, That collection and utilization for said purpose shall not cover threatened species: Provided, finally, That Section 23 of this Act shall govern the collection of threatened species.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
23	<p>Collection of Threatened Wildlife, By-products and Derivatives The collection of threatened wildlife, as determined and listed pursuant to this Act, including its by-products and derivatives, shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 6 of this Act:</p> <p>Provided, That only the accredited individuals, business, research, educational or scientific entities shall be allowed to collect for conservation breeding or propagation purposes.</p>
27	<p>Illegal Acts</p> <p>Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts;</p> <p>a. killing and destroying wildlife species, except in the following instances;</p> <p style="padding-left: 20px;">(i) when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;</p> <p style="padding-left: 20px;">(ii) when the wildlife is afflicted with an incurable communicable disease;</p> <p style="padding-left: 20px;">(iii) when it is deemed necessary to put an end to the misery suffered by the wildlife;</p> <p style="padding-left: 20px;">(iv) when it is done to prevent an imminent danger to the life or limb of a human being; and</p> <p style="padding-left: 20px;">(v) when the wildlife is killed or destroyed after it has been used in authorized research or experiments.</p> <p>f. collecting, hunting or possessing wildlife, their by-products and derivatives;</p>
28	<p>Penalties for Violations of this Act.</p> <p>For any person who undertakes illegal acts under paragraph (a) of the immediately preceding section to any species as may be categorized pursuant to this Act, the following penalties and/or fines shall be imposed;</p> <p>a. imprisonment of a minimum of six (6) years and one (1) day to twelve (12) years and/or a fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), if inflicted or undertaken against species listed as critical;</p> <p>b. imprisonment of four (4) and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00) if inflicted or undertaken against endangered species;</p> <p>c. imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against vulnerable species;</p> <p>d. imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00) if inflicted or undertaken against other threatened species; and</p> <p>e. imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other wildlife species.</p> <p>For illegal acts under paragraphs (f) and (g) of the immediately preceding section, the following penalties and/or fines shall be imposed:</p> <p>a. imprisonment of two (2) years and one (1) day to four (4) years and a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;</p>

B The Indigenous Peoples' Rights Act of 1997 - Republic Act No. 8371

AGENCY	National Commission on Indigenous Peoples (NCIP)
ARTICLE NO.	PROVISIONS
2	<p>Declaration of State Policies.</p> <p>The State shall recognize and promote all the rights of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution:</p> <ol style="list-style-type: none">a. The State shall recognize and promote the rights of ICCs/IPs within the framework of national unity and development;b. The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain;c. The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies;
3	<ol style="list-style-type: none">a. Ancestral Domains — Subject to Section 56 hereof, refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;o. Sustainable Traditional Resource Rights — refer to the rights of ICCs/IPs to sustainably use, manage, protect and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and practices;
7	<p>Rights to Ancestral Domains. —</p> <p>The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:</p> <ol style="list-style-type: none">a. Right of Ownership. — The right to claim ownership over lands, bodies of water traditionally and actually occupied by ICCs/IPs, sacred places, traditional hunting and fishing grounds, and all improvements made by them at any time within the domains;b. Right to Develop Lands and Natural Resources. — Subject to Section 56 hereof, right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they may sustain as a result of the project; and the right to effective measures by the government to prevent any interference with, alienation and encroachment upon these rights;

C Republic Act No. 7586 - National Integrated Protected Areas System Act of 1992	
AGENCY	Department of Environment and Natural Resources (DENR)
ARTICLE NO.	PROVISIONS
20	<p>Prohibited Acts</p> <p>Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:</p> <p>a. Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the Management Board;</p>
21	<p>Penalties.</p> <p>Whoever violates this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offenses in the preceding section shall be fined in the amount of not less than Five thousand pesos (P5,000) nor more than Five hundred thousand pesos (P500,000), exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but not more than six (6) years, or both, as determined by the court: Provided, That, if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration to the damage: Provided, further, That the court shall order the eviction of the offender from the land and the forfeiture in favor of the Government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and Laborers: Provided, finally, That the DENR may impose administrative fines and penalties consistent with this Act.</p>

4.8 CAPTIVITY BREEDING

A Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001	
AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
ARTICLE NO.	PROVISIONS
5	<p>c. "Captive-breeding/culture or propagation" means the process of producing individuals under controlled conditions or with human interventions;</p> <p>z. "Wildlife farm/culture permit" means a permit to develop, operate and maintain a wildlife breeding farm for conservation, trade and/or scientific purposes.</p> <p>xxx</p>
17	<p>Commercial Breeding or Propagation of Wildlife Resources</p> <p>Breeding or propagation of wildlife for commercial purposes shall be allowed by the Secretary or the authorized representative pursuant to Section 6 through the issuance of wildlife farm culture permit: Provided, That only progenies of wildlife raised, as well as unproductive parent stock shall be utilized for trade: Provided, further: That commercial breeding operations for wildlife, whenever appropriate, shall be subject to an environmental impact study.</p>
18	<p>Economically Important Species. The Secretary, within one (1) year after the effectivity of this Act, shall establish a list of economically-important species. A population assessment of such species shall be conducted within a reasonable period and shall be regularly reviewed and updated by the Secretary.</p> <p>The Collection of certain species shall only be allowed when the results of the assessment show that, despite certain extent of collection, the population of such species can still remain viable and capable of recovering its numbers. For this purpose, the Secretary shall establish a schedule and volume of allowable harvests.</p> <p>Whenever an economically important species become threatened, any form of collection shall be prohibited except for scientific, educational or breeding/propagation purposes, pursuant to the provisions of this Act.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
23	<p>Collection of Threatened Wildlife, By-products and Derivatives The collection of threatened wildlife, as determined and listed pursuant to this Act, including its by-products and derivatives, shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 6 of this Act:</p> <p>Provided, That only the accredited individuals, business, research, educational or scientific entities shall be allowed to collect for conservation breeding or propagation purposes.</p>
24	<p>Conservation Breeding or Propagation of Threatened Species Conservation breeding or propagation of threatened species shall be encouraged in order to enhance its population in its natural habitat. It shall be done simultaneously with the rehabilitation and/or protection of the habitat where the captive-bred or propagated species shall be released, reintroduced or restocked.</p> <p>Commercial breeding or propagation of threatened species may be allowed provided that the following minimum requirements are met by the applicant, to wit:</p> <ol style="list-style-type: none"> Proven effective breeding and captive management techniques of the species; and Commitment to undertake commercial breeding in accordance with Section 17 of this Act, simultaneous with conservation breeding. <p>The Secretary shall prepare a list of threatened species for commercial breeding and shall regularly revise or update such list or as the need arises.</p>

B Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654	
AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
ARTICLE NO.	PROVISIONS
102	<p>Fishing or Taking of Rare, Threatened or Endangered Species. –</p> <ol style="list-style-type: none"> XXX It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: <p>Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years and a fine equivalent to twice the administrative fine and forfeiture of the species.</p> <ol style="list-style-type: none"> It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild. <p>Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years, a fine equivalent to three (3) times the value of the species or Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Should the violation be committed by a vessel manned by more than two (2) persons, the captain, master, and two highest ranking officers of the vessel involved in the fishing or taking of such protected marine life shall be presumed to have committed the prohibited act.</p>

B Section continued

ARTICLE NO.	PROVISIONS
103	<p>Capture of Sabalo and Other Breeders/Spawners. –</p> <p>It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or sabalo and other breeders or spawners of other fishery species as may be determined by the Department: Provided, That catching of sabalo and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines that shall be promulgated by the Department.</p> <p>Upon a summary finding of administrative liability, an offender shall be punished with a fine equivalent to five (5) times the value of the sabalo, other breeders, or spawners gathered or captured, or Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture of catch and gear.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and a fine equivalent to twice the amount of the administrative fine, forfeiture of catch and fishing equipment used, and suspension or revocation of license.</p>
104	<p>Exportation of Breeders, Spawners, Eggs or Fry. –</p> <p>Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall be punished under this Act: Provided, That the export of hatchery-bred or captive-bred breeder, spawner, egg or fry, may be allowed subject to the regulations to be promulgated by the Department.</p> <p>Failure on the part of the shipping or forwarding company from whose possession the breeders, spawners, eggs, or fry are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities on the matter shall create a presumption that there is connivance or conspiracy between the company and the shipper to violate the provisions of this section.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine equivalent to three (3) times the value of the breeders, spawners, eggs, or fry exported or One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, confiscation of breeders, spawners, eggs or fry, suspension or revocation of license for commercial fishing and/or registration as exporter.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of eight (8) years to ten (10) years, confiscation of breeders, spawners, eggs or fry, a fine equivalent to twice the amount of the administrative fine, revocation of the fishing license, and/or suspension or revocation of registration as exporter.</p>
124	<p>Noncompliance with the Requirements for the Introduction of Foreign or Exotic Aquatic Species.</p> <p>It shall be unlawful to import, introduce, or breed, foreign or exotic aquatic species without the conduct of risk analysis and prior approval of the Department.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with a fine of Two hundred thousand pesos (P200,000.00) to Six million pesos (P6,000,000.00) and confiscation and destruction of the foreign or exotic species.</p> <p>Should the species become invasive and result to predation of native aquatic biota, loss of income or damage to the habitat, the offender shall bear the costs of containment, eradication and/or restoration.</p> <p>Upon conviction by a court of law the offender shall suffer the penalty of imprisonment of six (6) years to (12) years and fine from Four hundred thousand pesos (P400,000.00) to Twelve million pesos (P12,000,000.00), confiscation of foreign or exotic species and the costs for containment, eradication or restoration.</p>

4.9 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
ARTICLE NO.	PROVISIONS
11	<p>Exportation and/or Importation of Wildlife.</p> <p>Wildlife species may be exported to or imported from another country as may be authorized by the Secretary or the designated representative, subject to strict compliance with the provisions of this Act and rules and regulations promulgated pursuant thereto: Provided, That the recipient of the wildlife is technically and financially capable to maintain it.</p>
13	<p>Introduction of Exotic Wildlife.</p> <p>No exotic species shall be introduced into the country, unless a clearance from the Secretary or the authorized representative is first obtained. In no case shall exotic species be introduced into protected areas covered by Republic Act No. 7586 and to critical habitats under Section 25 hereof.</p> <p>In cases where introduction is allowed, it shall be subject to environmental impact study which shall focus on the bioecology, socioeconomic and related aspects of the area where the species will be introduced. The proponent shall also be required to secure the prior informed consent from the local stakeholders.</p>
27	<p>Illegal Acts.</p> <p>Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts;</p> <ol style="list-style-type: none"> a. XXX b. XXX d. introduction, reintroduction or restocking of wildlife resources; e. trading of wildlife; f. XXX g. XXX; h. XXX; and i. transporting of wildlife.
28	<p>Penalties for Violations of this Act.</p> <p>XXX</p> <p>For illegal acts under paragraphs (c) and (d) of the immediately preceding section, an imprisonment of one (1) month to eight (8) years and/or a fine of Five thousand pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.</p> <p>For illegal acts under paragraph (e), the following penalties and/or fines shall be imposed:</p> <ol style="list-style-type: none"> a. imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Five thousand pesos (P5,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical; b. imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Two thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;

A Section continued

ARTICLE NO.	PROVISIONS
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- c. imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of One thousand pesos (P1,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;
- d. imprisonment of one (1) month and one (1) day to six (6) months and/or a fine of Five hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species listed as threatened species; and
- e. Imprisonment of ten (10) days to one (1) month and/or a fine of Two hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species.

XXX

For illegal acts under paragraph (h) and (i) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- a. imprisonment of six (6) months and one (1) day to one (1) year and a fine of Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00) if inflicted or undertaken against species listed as critical species;
- b. imprisonment of three (3) months and one (1) day to six (6) months and a fine of Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against endangered species;
- c. imprisonment of one (1) month and one (1) day to three (3) months and a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against vulnerable species;
- d. imprisonment of ten (10) days to one (1) month and a fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against species listed as other threatened species;
- e. Imprisonment of five (5) days to ten (10) days and a fine of Two hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or undertaken against other wildlife species.

All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be ipso facto forfeited in favor of the government; Provided, That where the ownership of the aforesaid conveyances belong to third persons who has no participation in or knowledge of the illegal acts, the same may be released to said owner. The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.

If the offender is an alien, he shall be deported after service and payment of fines, without any further proceedings.

The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

B Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654

AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
ARTICLE NO.	PROVISIONS
91	<p>Poaching in Philippine Waters.</p> <p>It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.</p> <p>The entry of any foreign fishing vessel in Philippine waters shall constitute a prima facie presumption that the vessel is engaged in fishing in Philippine waters.</p> <p>Upon a summary finding of administrative liability, any foreign person, corporation or entity in violation of this section shall be punished by an administrative fine of Six hundred thousand US dollars (US\$600,000.00) to One million US dollars (US\$1,000,000.00) or its equivalent in Philippine currency.</p> <p>Upon conviction by a court of law, the offender shall be punished with a fine of One million two hundred thousand US dollars (US\$1,200,000.00), or its equivalent in Philippine currency, and confiscation of catch, fishing equipment and fishing vessel.</p> <p>If the offender is caught within internal waters, an additional penalty of imprisonment of six (6) months and one (1) day to two (2) years and two (2) months shall be imposed. If apprehended for the second time within internal waters, the offender shall be punished with imprisonment of three (3) years and a fine of Two million four hundred thousand US dollars (US\$2,400,000.00) or its equivalent in Philippine currency: Provided, That no foreign person shall be deported without the payment of the imposed judicial and/or administrative fines and service of sentence, if any.</p>
96	<p>Ban on Coral Exploitation and Exportation.</p> <p>It shall be unlawful for any person or corporation to gather, possess, commercially transport, sell or export ordinary, semi-precious and precious corals, whether raw or in processed form, except for scientific or research purposes. It shall also be unlawful for any person, corporation or entity to commit any activity that damage coral reefs.</p> <p>Upon a summary finding of administrative liability, the owner/operator of the fishing vessel/s, boat captain, master fisherman, and recruiter or organizer of fishworkers shall be punished with an administrative fine equivalent to eight (8) times the value of the corals gathered, possessed, commercially transported, sold, or exported, or the amount of Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), whichever is higher, and forfeiture of the subject corals. The offender shall also pay compensation for the restoration of the damaged corals reefs.</p> <p>Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fishworkers, shall be punished by imprisonment from ten (10) years to twenty (20) years and a fine equivalent to twice the administrative fine and forfeiture of the subject corals.</p> <p>The offender shall also be required to pay the cost of restoration of the damaged coral reefs based on available studies and as determined by the Department.</p>
102	<p>Fishing or Taking of Rare, Threatened or Endangered Species.</p> <p>a. It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to five times (5) times the value of the species or Five hundred thousand pesos (P500,000.00) to Five million pesos (P5,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine equivalent to twice the administrative fine, forfeiture of the species and the cancellation of fishing permit.</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>b. It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years and a fine equivalent to twice the administrative fine and forfeiture of the species.</p> <p>c. It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild.</p> <p>Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years, a fine equivalent to three (3) times the value of the species or Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Should the violation be committed by a vessel manned by more than two (2) persons, the captain, master, and two highest ranking officers of the vessel involved in the fishing or taking of such protected marine life shall be presumed to have committed the prohibited act.</p>
104	<p>Exportation of Breeders, Spawners, Eggs or Fry.</p> <p>Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall be punished under this Act: Provided, That the export of hatchery-bred or captive-bred breeder, spawner, egg or fry, may be allowed subject to the regulations to be promulgated by the Department.</p> <p>Failure on the part of the shipping or forwarding company from whose possession the breeders, spawners, eggs, or fry are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities on the matter shall create a presumption that there is connivance or conspiracy between the company and the shipper to violate the provisions of this section.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine equivalent to three (3) times the value of the breeders, spawners, eggs, or fry exported or One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, confiscation of breeders, spawners, eggs or fry, suspension or revocation of license for commercial fishing and/or registration as exporter.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of eight (8) years to ten (10) years, confiscation of breeders, spawners, eggs or fry, a fine equivalent to twice the amount of the administrative fine, revocation of the fishing license, and/or suspension or revocation of registration as exporter.</p>
105	<p>Importation or Exportation of Fish or Fishery Species.</p> <p>Any importation or exportation of fish or fishery species in violation of this Code shall be unlawful.</p> <p>Failure on the part of the shipping or forwarding company from whose possession the fish or fishery species imported or exported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of five (5) times the value of the species or Three hundred thousand</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished with eight (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or destruction of the species: Provided, That offenders shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department.</p>
110	<p>Gathering and Marketing of Shell Fishes or Other Aquatic Species.</p> <p>It shall be unlawful for any person to gather, take, sell, transfer, possess, commercially transport, export, forward or ship out any sexually mature shell fish or other aquatic species identified by the Department, or below the minimum size, or above the maximum quantities prescribed for the species. Other parameters for the protection of heavily traded aquatic species may be promulgated by the Department.</p> <p>Upon a summary finding of administrative liability, the penalty of an administrative fine equivalent to the value of the species or Fifty thousand pesos (P50,000.00), whichever is higher, and confiscation of the same, cancellation of permit or license shall be imposed upon the offender.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment from one (1) month and one (1) day to six (6) months and fine equivalent to twice the amount of the administrative fine, and cancellation of the permit or license.</p>
124	<p>Noncompliance with the Requirements for the Introduction of Foreign or Exotic Aquatic Species.</p> <p>It shall be unlawful to import, introduce, or breed, foreign or exotic aquatic species without the conduct of risk analysis and prior approval of the Department.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with a fine of Two hundred thousand pesos (P200,000.00) to Six million pesos (P6,000,000.00) and confiscation and destruction of the foreign or exotic species. Should the species become invasive and result to predation of native aquatic biota, loss of income or damage to the habitat, the offender shall bear the costs of containment, eradication and/or restoration.</p> <p>Upon conviction by a court of law the offender shall suffer the penalty of imprisonment of six (6) years to (12) years and fine from Four hundred thousand pesos (P400,000.00) to Twelve million pesos (P12,000,000.00), confiscation of foreign or exotic species and the costs for containment, eradication or restoration.</p>
126	<p>Possessing, Dealing in or Disposing Illegally Caught or Taken Fish.</p> <p>It shall be unlawful to ship, commercially transport, offer for sale, sell, import, export, or have custody, control, or possession of, or to deal in or in any manner dispose of any fish or species caught, taken or retained in violation of this Code.</p> <p>The discovery of any fish or species caught with the use of explosives or noxious or poisonous substances shall constitute a prima facie presumption that the possessor, seller, fish dealer, transporter, importer, or exporter thereof has knowledge that the fish or species was caught or taken in violation of this Code.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00) or five (5) times the value of fish or species, whichever is higher, and confiscation of the same.</p> <p>Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years, and fine of eight (8) times the value of the species or from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher and confiscation of the fish or fishery products and suspension or revocation of registration or license.</p>

4.10 ILLEGAL POSSESSION OF PROTECTED WILDLIFE

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
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ARTICLE NO.	PROVISIONS
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26	<p>Registration of Threatened and Exotic Wildlife in the Possession of Private Persons.</p> <p>No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife.</p> <p>Twelve (12) months after the effectivity of this Act, the Secretary shall set a period, within which persons/entities shall register all threatened species collected and exotic species imported prior to the effectivity of this Act. However, when the threatened species is needed for breeding/propagation or research purposes, the State may acquire the wildlife through a mutually acceptable arrangement.</p> <p>After the period set has elapsed, threatened wildlife possessed without certificate of registration shall be confiscated in favor of the government, subject to the penalties herein provided.</p> <p>All Philippine wildlife which are not listed as threatened prior to the effectivity of this Act but which may later become so, shall likewise be registered during the period set after the publication of the updated list of threatened species.</p>
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B *Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654*

AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
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ARTICLE NO.	PROVISIONS
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96	<p>Ban on Coral Exploitation and Exportation.</p> <p>It shall be unlawful for any person or corporation to gather, possess, commercially transport, sell or export ordinary, semi-precious and precious corals, whether raw or in processed form, except for scientific or research purposes. It shall also be unlawful for any person, corporation or entity to commit any activity that damage coral reefs.</p> <p>Upon a summary finding of administrative liability, the owner/operator of the fishing vessel/s, boat captain, master fisherman, and recruiter or organizer of fishworkers shall be punished with an administrative fine equivalent to eight (8) times the value of the corals gathered, possessed, commercially transported, sold, or exported, or the amount of Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), whichever is higher, and forfeiture of the subject corals. The offender shall also pay compensation for the restoration of the damaged coral reefs.</p> <p>Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fishworkers, shall be punished by imprisonment from ten (10) years to twenty (20) years and a fine equivalent to twice the administrative fine and forfeiture of the subject corals.</p> <p>The offender shall also be required to pay the cost of restoration of the damaged coral reefs based on available studies and as determined by the Department.</p>
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102	<p>Fishing or Taking of Rare, Threatened or Endangered Species. –</p> <p>a. It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to five times (5) times the value of the species or Five hundred thousand pesos (P500,000.00) to Five million pesos (P5,000,000.00), whichever is higher, and forfeiture of the species.</p>
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B Section continued

ARTICLE NO.	PROVISIONS
	<p>Upon conviction by a court of law, the offender shall be punished by imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine equivalent to twice the administrative fine, forfeiture of the species and the cancellation of fishing permit.</p> <p>b. It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years and a fine equivalent to twice the administrative fine and forfeiture of the species.</p> <p>c. It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild.</p> <p>Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years, a fine equivalent to three (3) times the value of the species or Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Should the violation be committed by a vessel manned by more than two (2) persons, the captain, master, and two highest ranking officers of the vessel involved in the fishing or taking of such protected marine life shall be presumed to have committed the prohibited act.</p>
105	<p>Importation or Exportation of Fish or Fishery Species.</p> <p>Any importation or exportation of fish or fishery species in violation of this Code shall be unlawful. Failure on the part of the shipping or forwarding company from whose possession the fish or fishery species imported or exported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of five (5) times the value of the species or Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished with eight (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or destruction of the species: Provided, That offenders shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department.</p>
110	<p>Gathering and Marketing of Shell Fishes or Other Aquatic Species.</p> <p>It shall be unlawful for any person to gather, take, sell, transfer, possess, commercially transport, export, forward or ship out any sexually mature shell fish or other aquatic species identified by the Department, or below the minimum size, or above the maximum quantities prescribed for the species. Other parameters for the protection of heavily traded aquatic species may be promulgated by the Department.</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>Upon a summary finding of administrative liability, the penalty of an administrative fine equivalent to the value of the species or Fifty thousand pesos (P50,000.00), whichever is higher, and confiscation of the same, cancellation of permit or license shall be imposed upon the offender.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment from one (1) month and one (1) day to six (6) months and fine equivalent to twice the amount of the administrative fine, and cancellation of the permit or license.</p>
126	<p>Possessing, Dealing in or Disposing Illegally Caught or Taken Fish.</p> <p>It shall be unlawful to ship, commercially transport, offer for sale, sell, import, export, or have custody, control, or possession of, or to deal in or in any manner dispose of any fish or species caught, taken or retained in violation of this Code.</p> <p>The discovery of any fish or species caught with the use of explosives or noxious or poisonous substances shall constitute a prima facie presumption that the possessor, seller, fish dealer, transporter, importer, or exporter thereof has knowledge that the fish or species was caught or taken in violation of this Code.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00) or five (5) times the value of fish or species, whichever is higher, and confiscation of the same.</p> <p>Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years, and fine of eight (8) times the value of the species or from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher and confiscation of the fish or fishery products and suspension or revocation of registration or license.</p>

C Republic Act No. 7586 - An Act Providing For The Establishment And Management Of National Integrated Protected Areas System, Defining Its Scope And Coverage, And For Other Purposes

AGENCY	Department of Environment and Natural Resources (DENR)
ARTICLE NO.	PROVISIONS
20	<p>Prohibited Acts.-Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:</p> <ol style="list-style-type: none"> a. Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the Management Board; b. Dumping of any waste products detrimental in the protected area, or to the plants and animals or inhabitants therein; c. Use of any motorized equipment without A permit from the Management Board; d. Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value) ; e. Damaging and leaving roads and trails in a damaged condition; f. Squatting, mineral locating, or otherwise occupying any land; g. Constructing or maintaining any kind of structure fence or enclosures, conducting any business enterprise without a permit ; h. Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and i. Altering, removing destroying or defacing boundary marks or signs.

C Section continued

ARTICLE NO.	PROVISIONS
21	<p>Penalties.</p> <p>Whoever violates this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offenses in the preceding section shall be fined in the amount of not less than Five thousand pesos (P5,000) nor more than Five hundred thousand pesos (P500,000), exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but not more than six (6) years, or both, as determined by the court: Provided, That, if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration to the damage: Provided, further, That the court shall order the eviction of the offender from the land and the forfeiture in favor of the Government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and Laborers: Provided, finally, That the DENR may impose administrative fines and penalties consistent with this Act.</p>

D Republic Act No. 9072 -National Caves and Cave Resources Management and Protection Act

AGENCY	Department of Environment and Natural Resources (DENR)
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ARTICLE NO.	PROVISIONS
7	<p>Prohibited Acts.</p> <p>The following shall be considered Prohibited Acts:</p> <ol style="list-style-type: none"> a. Knowingly destroying, disturbing, defacing, marring, altering, removing, or harming the speleogem or speleothem of any cave or altering the free movement of any animal or plant life into or out of any cave; b. Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority any, cave resource; c. Counselling, procuring, soliciting or employing any other person to violate any provisions of this Section.
8	<p>Penalties.</p> <p>Any person found guilty of any of the offenses enumerated under Section 7 hereof shall be punished by imprisonment from two (2) years to six (6) years or a fine ranging from Twenty thousand pesos (P20,000) to five hundred thousand pesos (P500,000.00) or both at the discretion of the Court: Provided, That the person furnishing the capital to accomplish the acts punishable herein shall be punished by imprisonment from six (6) years and one (1) day to eight (8) years or by a fine ranging from Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00) or both at the Discretion of the Court: Provided, further, That if the area requires rehabilitation or restoration as determined by the Court, the offender shall also be required to restore the same, whenever practicable or compensate for the damage: Provided finally that if the offender is a government employee, he or she shall likewise be removed from office.</p>

4.11 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
ARTICLE NO.	PROVISIONS
26	<p>Registration of Threatened and Exotic Wildlife in the Possession of Private Persons.</p> <p>No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife.</p> <p>Twelve (12) months after the effectivity of this Act, the Secretary shall set a period, within which persons/entities shall register all threatened species collected and exotic species imported prior to the effectivity of this Act. However, when the threatened species is needed for breeding/propagation or research purposes, the State may acquire the wildlife through a mutually acceptable arrangement.</p> <p>After the period set has elapsed, threatened wildlife possessed without certificate of registration shall be confiscated in favor of the government, subject to the penalties herein provided.</p>
28	<p>Penalties for Violations of this Act.</p> <p>XXX</p> <p>All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be ipso facto forfeited in favor of the government; Provided, That where the ownership of the aforesaid conveyances belong to third persons who has no participation in or knowledge of the illegal acts, the same may be released to said owner. The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.</p> <p>XXX</p>

B. *Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654*

AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
ARTICLE NO.	PROVISIONS
86	<p>Unauthorized Fishing.</p> <p>a. It shall be unlawful for any person to capture or gather or to cause the capture or gathering of fish, fry or fingerlings of any fishery species or fishery products without license or permit from the Department or LGU.</p> <p>Except in cases specified under this Code, it shall also be unlawful for any commercial fishing vessel to fish in municipal waters.</p> <p>XXX</p> <p>Upon conviction by a court of law, the boat captain and the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and confiscation of catch and gear and twice the amount of the administrative fine.</p> <p>b. It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters.</p> <p>Upon a summary finding of administrative liability, the offender of this provision shall be punished with an administrative fine equivalent to twice the value of catch or Five thousand pesos (P5,000.00), whichever is higher, and confiscation of the catch and fishing gear: Provided, That if the offender fails to pay the fine, he shall render community service.</p>
102	<p>Fishing or Taking of Rare, Threatened or Endangered Species. –</p> <p>a. It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on</p>

B Section continued

ARTICLE NO.	PROVISIONS
	<p>the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to five times (5) times the value of the species or Five hundred thousand pesos (P500,000.00) to Five million pesos (P5,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine equivalent to twice the administrative fine, forfeiture of the species and the cancellation of fishing permit.</p> <p>b. It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.</p> <p>Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years and a fine equivalent to twice the administrative fine and forfeiture of the species.</p> <p>c. It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild.</p> <p>Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years, a fine equivalent to three (3) times the value of the species or Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.</p> <p>Should the violation be committed by a vessel manned by more than two (2) persons, the captain, master, and two highest ranking officers of the vessel involved in the fishing or taking of such protected marine life shall be presumed to have committed the prohibited act.</p>
105	<p>Importation or Exportation of Fish or Fishery Species</p> <p>Any importation or exportation of fish or fishery species in violation of this Code shall be unlawful.</p> <p>Failure on the part of the shipping or forwarding company from whose possession the fish or fishery species imported or exported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of five (5) times the value of the species or Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.</p> <p>Upon conviction by a court of law, the offender shall be punished with eight (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or destruction of the species: Provided, That offenders shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department.</p>

B Section continued

ARTICLE NO.	PROVISIONS
124	<p>Noncompliance with the Requirements for the Introduction of Foreign or Exotic Aquatic Species. – It shall be unlawful to import, introduce, or breed, foreign or exotic aquatic species without the conduct of risk analysis and prior approval of the Department.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with a fine of Two hundred thousand pesos (P200,000.00) to Six million pesos (P6,000,000.00) and confiscation and destruction of the foreign or exotic species. Should the species become invasive and result to predation of native aquatic biota, loss of income or damage to the habitat, the offender shall bear the costs of containment, eradication and/or restoration.</p> <p>Upon conviction by a court of law the offender shall suffer the penalty of imprisonment of six (6) years to (12) years and fine from Four hundred thousand pesos (P400,000.00) to Twelve million pesos (P12,000,000.00), confiscation of foreign or exotic species and the costs for containment, eradication or restoration.</p>
126	<p>Possessing, Dealing in or Disposing Illegally Caught or Taken Fish. – It shall be unlawful to ship, commercially transport, offer for sale, sell, import, export, or have custody, control, or possession of, or to deal in or in any manner dispose of any fish or species caught, taken or retained in violation of this Code.</p> <p>The discovery of any fish or species caught with the use of explosives or noxious or poisonous substances shall constitute a prima facie presumption that the possessor, seller, fish dealer, transporter, importer, or exporter thereof has knowledge that the fish or species was caught or taken in violation of this Code.</p> <p>Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00) or five (5) times the value of fish or species, whichever is higher, and confiscation of the same.</p> <p>Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years, and fine of eight (8) times the value of the species or from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher and confiscation of the fish or fishery products and suspension or revocation of registration or license.</p>

4.12 SALE OF CONFISCATED SPECIMENS

A Joint Implementing Rules And Regulations (IRR) Pursuant To Republic Act No. 9147

AGENCY	Department of Environment and Natural Resources (DENR), Department of Agriculture (DA), Palawan Council for Sustainable Development (PCSD)
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ARTICLE NO.	PROVISIONS
32.4	<p>The PAWB/BFAR Director or the DENR/DABFAR Regional Executive Director/Regional Director or PCSD Staff District Management Office, as the case may be, is authorized to dispose animals/plants presently maintained at Wildlife Rescue Centers established pursuant to this Order. This may be done through release or replanting, donation, loan, sale, exchange, transfer to other government projects, repatriation, or euthanasia, in accordance with the guidelines that shall be promulgated by the Secretary or Council for the purpose. Pending issuance of the guidelines, existing pertinent rules and regulations shall apply. Confiscated wildlife which is/are subject of judicial proceedings shall not be disposed unless authority is obtained from the proper court.</p>

B Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654	
AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
ARTICLE NO.	PROVISIONS
142	<p>Fisheries Management Fund.</p> <p>A Fisheries Management Fund is hereby established to enhance the budget for: the conservation, preservation, protection, management, development and regulation of the fishery and aquatic resources; research and development and capability building of the various stakeholders including provision for scholarships; supplementary livelihood for poverty alleviation; and improvement of productivity and processes of the various stakeholders. It shall be administered by the Bureau of Fisheries and Aquatic Resources as a special account in any government financial institution.</p> <p>It shall be funded from administrative fines and penalties imposed under this Code, from the proceeds of the sale of forfeited fish, fishing gears, paraphernalia and fishing vessels, and contributions in the form of endowments, grants and donations to the fund, which shall be exempted from donor and other taxes, charges or fees imposed by the government.</p>

4.13 DISPOSAL OF CONFISCATED SPECIMEN

A Joint Implementing Rules And Regulations (IRR) Pursuant To Republic Act No. 9147	
AGENCY	Department of Environment and Natural Resources (DENR), Department of Agriculture (DA), Palawan Council for Sustainable Development (PCSD)
ARTICLE NO.	PROVISIONS
32.4	<p>The PAWB/BFAR Director or the DENR/DABFAR Regional Executive Director/Regional Director or PCSD Staff District Management Office, as the case may be, is authorized to dispose animals/plants presently maintained at Wildlife Rescue Centers established pursuant to this Order. This may be done through release or replanting, donation, loan, sale, exchange, transfer to other government projects, repatriation, or euthanasia, in accordance with the guidelines that shall be promulgated by the Secretary or Council for the purpose. Pending issuance of the guidelines, existing pertinent rules and regulations shall apply. Confiscated wildlife which is/are subject of judicial proceedings shall not be disposed unless authority is obtained from the proper court.</p>

B Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654	
AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
ARTICLE NO.	PROVISIONS
133	<p>Authority of the Director of the BFAR or the Duly Authorized Representative to Issue Notice of Violation and Order Confiscation.</p> <p>In all cases of violations of this Code or other fishery laws, rules and regulations, the Director of the BFAR or the duly authorized representative, may issue notice of violation and order the confiscation of any fish, fishery species or aquatic resources illegally caught, taken or gathered, and all equipment, paraphernalia and gears in favor of the Department, academic institutions or LGUs and to dispose of the same in accordance with pertinent laws, rules, regulations and policies on the matter.</p>

4.14 ESTABLISHMENT OF RESCUE CENTER TO LOOK AFTER WELFARE OF LIVE SPECIMEN

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
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ARTICLE NO.	PROVISIONS
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32	<p>Wildlife Rescue Center.</p> <p>The Secretary shall establish or designate wildlife rescue centers to take temporary custody and care of all confiscated, abandoned and/or donated wildlife to ensure their welfare and well-being. The Secretary shall formulate guidelines for the disposition of wildlife from the rescue centers.</p>
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4.15 ENFORCEMENT POWERS – ENTRY, SEARCH, SEIZURE, ARREST

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
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ARTICLE NO.	PROVISIONS
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30	<p>Deputation of Wildlife Enforcement Officers.</p> <p>The Secretary shall deputize wildlife enforcement officers from non-government organizations, citizens groups, community organizations and other volunteers who have undergone necessary training for this purpose. The Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI) and other law enforcement agencies shall designate wildlife enforcement officers. As such, the wild enforcement officers shall have the full authority to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention.</p>
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4.16 ESTABLISHMENT OF CONSERVATION FUND WHERE PROCEEDS FROM SEIZED ASSETS OF WILDLIFE OFFENCES GO TO A DEDICATED FUND, WHICH CAN BE USED BY ENFORCEMENT AGENCIES OF WENS

A *Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), National Law enacted in 30 July 2001*

AGENCY	Department of Environment and Natural Resources (DENR), Biodiversity Management Bureau (BMB)
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ARTICLE NO.	PROVISIONS
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29	<p>Wildlife Management Fund.</p> <p>There is hereby established a Wildlife Management Fund to be administered by the Department as a special account in the National Treasury which shall finance rehabilitation or restoration of habitats affected by acts committed in violation of this Act and support scientific research, enforcement and monitoring activities, as well as enhancement of capabilities of relevant agencies.</p> <p>The Fund shall derive from fines imposed and damages awarded, fees, charges, donations, endowments, administrative fees or grants in the form of contributions. Contributions to the Fund shall be exempted from donor taxes and all other tax charges or fees imposed by the government.</p>
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B Fisheries Code of 1998 (Republic Act No. 8550) as amended by Republic Act 10654

AGENCY	Bureau of Fisheries and Aquatic Resources, Ministry of Agriculture
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ARTICLE NO.	PROVISIONS
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142	<p>Fisheries Management Fund.</p> <p>A Fisheries Management Fund is hereby established to enhance the budget for: the conservation, preservation, protection, management, development and regulation of the fishery and aquatic resources; research and development and capability building of the various stakeholders including provision for scholarships; supplementary livelihood for poverty alleviation; and improvement of productivity and processes of the various stakeholders. It shall be administered by the Bureau of Fisheries and Aquatic Resources as a special account in any government financial institution.</p> <p>It shall be funded from administrative fines and penalties imposed under this Code, from the proceeds of the sale of forfeited fish, fishing gears, paraphernalia and fishing vessels, and contributions in the form of endowments, grants and donations to the fund, which shall be exempted from donor and other taxes, charges or fees imposed by the government.</p> <p>The Fund shall be exclusively utilized as follows:</p> <ol style="list-style-type: none"> a. fifteen percent (15%) for the purchase, upgrade and maintenance of vessels, communication and other equipment used for the monitoring, control and surveillance of Philippine waters and distant water fishing; b. five percent (5%) for the payment of litigation expenses, cost of conveyance of witnesses and other costs due to cases filed by or against the Republic of the Philippines in international courts arising from the implementation of this Code or where apprehending party or parties become respondents or defendants in any tribunal or court of law; c. twenty-five percent (25%) for the operating costs and capacity building of the NFARMC, IFARMCs and C/MFARMCs and payment for the cost of rehabilitation, medical expenses for injury, or indemnity for death of law enforcement officers, including deputized volunteers, distributed as follows: five percent (5%) to the NFARMC, five percent (5%) to all IFARMCs, five percent (5%) to all C/MFARMCs, and ten percent (10%) to C/MFARMCs for the apprehension and successful prosecution of a fisheries offense; d. five percent (5%) for the continued upgrading of laboratory facilities and equipment; e. five percent (5%) for the research and development activities of the NFRDI; f. five percent (5%) for the capability development of BFAR personnel, deputized law enforcement agencies and volunteers, and stakeholders; g. ten percent (10%) for scholarship grants for children of fisherfolks and fishworkers in fish catch, aquaculture, fishing and fish processing; h. fifteen percent (15%) for livelihood programs for production enhancement and poverty alleviation; and i. fifteen percent (15%) for assistance to fishermen in the form of shared facilities."
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4.17 ANIMAL WELFARE

A The Animal Welfare Act of 1998 republic act no. 8485

AGENCY	Committee on Animal Welfare attached to the Department of Agriculture
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ARTICLE NO.	PROVISIONS
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3	<p>The Director of the Bureau of Animal Industry shall supervise and regulate the establishment, operation and maintenance of pet shops, kennels, veterinary clinics, veterinary hospitals, stockyards, corrals, stud farms and zoos and any other form or structure for the confinement of animals where they are bred, treated, maintained, or kept either for sale or trade or for training as well as the transport of such animals in any form of public or private transportation facility in order to provide maximum comfort while in transit and minimize, if not totally eradicate, incidence of sickness and death and prevent any cruelty from being inflicted upon the animals.</p>
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A Section continued

ARTICLE NO.	PROVISIONS
	<p>The Director may call upon any government agency for assistance consistent with its powers, duties, and responsibilities for the purpose of ensuring the effective and efficient implementation of this Act and the rules and regulations promulgated thereunder.</p> <p>It shall be the duty of such government agency to assist said Director when called upon for assistance using any available fund in its budget for the purpose.</p>
4	<p>It shall be the duty of any owner or operator of any land, air or water public utility transporting pet, wildlife and all other animals to provide in all cases adequate, clean and sanitary facilities for the safe conveyance and delivery thereof to their consignee at the place of consignment. They shall provide sufficient food and water for such animals while in transit for more than twelve (12) hours or whenever necessary.</p> <p>No public utility shall transport any such animal without a written permit from the Director of the Bureau of Animal Industry or his/her authorized representative. No cruel confinement or restraint shall be made on such animals while being transported.</p> <p>Any form of cruelty shall be penalized even if the transporter has obtained a permit from the Bureau of Animal Industry. Cruelty in transporting includes overcrowding, placing of animals in the trunks or under the hood trunks of the vehicles.</p>
7	<p>It shall be the duty of every person to protect the natural habitat of the wildlife. The destruction of said habitat shall be considered as a form of cruelty to animals and its preservation is a way of protecting the animals.</p>
8	<p>Any person who violates any of the provisions of this Act shall, upon conviction by final judgment, be punished by imprisonment of not less than six (6) months nor more than two (2) years or a fine of not less than One thousand pesos (P1 ,000.00) nor more than Five thousand pesos (P5,000.00) or both at the discretion of the Court. If the violation is committed by a juridical person, the officer responsible therefor shall serve the imprisonment when imposed. If the violation is committed by an alien, he or she shall be immediately deported after service of sentence without any further proceedings.</p>

5 KEY PROVISIONS OF OTHER LAWS

5.1 PENAL CODE	
A Revised Penal Code – Act No. 3815	
AGENCY	Department of justice
ARTICLE NO.	PROVISIONS
171	<p>Falsification by public officer, employee or notary or ecclesiastic minister.</p> <p>The penalty of prision mayor and a fine not to exceed P5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:</p> <ol style="list-style-type: none"> 1. Counterfeiting or imitating any handwriting, signature or rubric; 2. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate; 3. Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them; 4. Making untruthful statements in a narration of facts; 5. Altering true dates; 6. Making any alteration or intercalation in a genuine document which changes its meaning; 7. Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such a copy a statement contrary to, or different from, that of the genuine original; or 8. Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book. <p>The same penalty shall be imposed upon any ecclesiastical minister who shall commit any of the offenses enumerated in the preceding paragraphs of this article, with respect to any record or document of such character that its falsification may affect the civil status of persons.</p>
172	<p>Falsification by private individual and use of falsified documents.</p> <p>The penalty of prision correccional in its medium and maximum periods and a fine of not more than P5,000 pesos shall be imposed upon:</p> <ol style="list-style-type: none"> 1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document; and 2. Any person who, to the damage of a third party, or with the intent to cause such damage, shall in any private document commit any of the acts of falsification enumerated in the next preceding article. <p>Any person who shall knowingly introduce in evidence in any judicial proceeding or to the damage of another or who, with the intent to cause such damage, shall use any of the false documents embraced in the next preceding article, or in any of the foregoing subdivisions of this article, shall be punished by the penalty next lower in degree.</p>
177	<p>Usurpation of authority or official functions.</p> <p>Any person who shall knowingly and falsely represent himself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government, or who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or any foreign government, or any agency thereof, without being lawfully entitled to do so, shall suffer the penalty of prision correccional in its minimum and medium periods.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
210	<p>Direct bribery.</p> <p>Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of this official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another, shall suffer the penalty of prision mayor in its medium and maximum periods and a fine [of not less than the value of the gift and] not less than three times the value of the gift in addition to the penalty corresponding to the crime agreed upon, if the same shall have been committed.</p> <p>If the gift was accepted by the officer in consideration of the execution of an act which does not constitute a crime, and the officer executed said act, he shall suffer the same penalty provided in the preceding paragraph; and if said act shall not have been accomplished, the officer shall suffer the penalties of prision correccional, in its medium period and a fine of not less than twice the value of such gift.</p> <p>If the object for which the gift was received or promised was to make the public officer refrain from doing something which it was his official duty to do, he shall suffer the penalties of prision correccional in its maximum period and a fine [of not less than the value of the gift and] not less than three times the value of such gift.</p> <p>In addition to the penalties provided in the preceding paragraphs, the culprit shall suffer the penalty of special temporary disqualification.</p> <p>The provisions contained in the preceding paragraphs shall be made applicable to assessors, arbitrators, appraisal and claim commissioners, experts or any other persons performing public duties. (As amended by Batas Pambansa Blg. 872, June 10, 1985).</p>
212	<p>Corruption of public officials.</p> <p>The same penalties imposed upon the officer corrupted, except those of disqualification and suspension, shall be imposed upon any person who shall have made the offers or promises or given the gifts or presents as described in the preceding articles.</p>

5.2 ANTI-MONEY LAUNDERING

A *Anti-Money Laundering Act, RA 9160, as amended/29 September 2001; An Act further strengthening the Anti-Money Laundering Law, amending for the purpose Republic Act No. 9160, otherwise known as the "Anti-Money Laundering Act of 2001, as Amended, Republic Act No. 10365, 6 Feb 2013*

AGENCY	Anti-Money Laundering Council (AMLC)
ARTICLE NO.	PROVISIONS
3 (i)	(23) Violations of Section 27(c), (e), (f), (g) and (i), of Republic Act No. 9147, otherwise known as the Wildlife Resources Conservation and Protection Act.
4	<p>Money Laundering Offense. – Money laundering is committed by any person who, knowing that any monetary instrument or property represents, involves, or relates to the proceeds of any unlawful activity:</p> <ol style="list-style-type: none"> a. transacts said monetary instrument or property; b. converts, transfers, disposes of, moves, acquires, possesses or uses said monetary instrument or property; c. conceals or disguises the true nature, source, location, disposition, movement or ownership of or rights with respect to said monetary instrument or property; d. attempts or conspires to commit money laundering offenses referred to in paragraphs (a), (b) or (c); e. aids, abets, assists in or counsels the commission of the money laundering offenses referred to in paragraphs (a), (b) or (c) above; and

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>f. performs or fails to perform any act as a result of which he facilitates the offense of money laundering referred to in paragraphs (a), (b) or (c) above.</p> <p>Money laundering is also committed by any covered person who, knowing that a covered or suspicious transaction is required under this Act to be reported to the Anti-Money Laundering Council (AMLC), fails to do so.</p>
6	<p>Prosecution of Money Laundering.</p> <p>a. Any person may be charged with and convicted of both the offense of money laundering and the unlawful activity as herein defined.</p> <p>b. The prosecution of any offense or violation under this Act shall proceed independently of any proceeding relating to the unlawful activity.</p>
10	<p>Freezing of Monetary Instrument or Property.</p> <p>Upon a verified ex parte petition by the AMLC and after determination that probable cause exists that any monetary instrument or property is in any way related to an unlawful activity as defined in Section 3(i) hereof, the Court of Appeals may issue a freeze order which shall be effective immediately, and which shall not exceed six (6) months depending upon the circumstances of the case: Provided, That if there is no case filed against a person whose account has been frozen within the period determined by the court, the freeze order shall be deemed ipso facto lifted: Provided, further, That this new rule shall not apply to pending cases in the courts. In any case, the court should act on the petition to freeze within twenty-four (24) hours from filing of the petition. If the application is filed a day before a nonworking day, the computation of the twenty-four (24)-hour period shall exclude the nonworking days.</p> <p>“A person whose account has been frozen may file a motion to lift the freeze order and the court must resolve this motion before the expiration of the freeze order.</p> <p>“No court shall issue a temporary restraining order or a writ of injunction against any freeze order, except the Supreme Court.</p>
12	<p>a. Civil Forfeiture.</p> <p>Upon determination by the AMLC that probable cause exists that any monetary instrument or property is in any way related to an unlawful activity as defined in Section 3(i) or a money laundering offense under Section 4 hereof, the AMLC shall file with the appropriate court through the Office of the Solicitor General, a verified ex parte petition for forfeiture, and the Rules of Court on Civil Forfeiture shall apply.</p> <p>“The forfeiture shall include those other monetary instrument or property having an equivalent value to that of the monetary instrument or property found to be related in any way to an unlawful activity or a money laundering offense, when with due diligence, the former cannot be located, or it has been substantially altered, destroyed, diminished in value or otherwise rendered worthless by any act or omission, or it has been concealed, removed, converted, or otherwise transferred, or it is located outside the Philippines or has been placed or brought outside the jurisdiction of the court, or it has been commingled with other monetary instrument or property belonging to either the offender himself or a third person or entity, thereby rendering the same difficult to identify or be segregated for purposes of forfeiture.</p> <p>b. Claim on Forfeited Assets.</p> <p>Where the court has issued an order of forfeiture of the monetary instrument or property in a criminal prosecution for any money laundering offense defined under Section 4 of this Act, the offender or any other person claiming an interest therein may apply, by verified petition, for a declaration that the same legitimately belongs to him and for segregation or exclusion of the monetary instrument or property corresponding thereto. The verified petition shall be filed with the court which rendered the judgment of forfeiture, within fifteen (15) days from the date of the finality of the order of forfeiture, in default of which the said order shall become final and executor. This provision shall apply in both civil and criminal forfeiture.</p>

A Section continued

ARTICLE NO.	PROVISIONS
	<p>c. "Payment in Lieu of Forfeiture.</p> <p>Where the court has issued an order of forfeiture of the monetary instrument or property subject of a money laundering offense defined under Section 4, and said order cannot be enforced because any particular monetary instrument or property cannot, with due diligence, be located, or it has been substantially altered, destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, attributable to the offender, or it has been concealed, removed, converted, or otherwise transferred to prevent the same from being found or to avoid forfeiture thereof, or it is located outside the Philippines or has been placed or brought outside the jurisdiction of the court, or it has been commingled with other monetary instruments or property belonging to either the offender himself or a third person or entity, thereby rendering the same difficult to identify or be segregated for purposes of forfeiture, the court may, instead of enforcing the order of forfeiture of the monetary instrument or property or part thereof or interest therein, accordingly order the convicted offender to pay an amount equal to the value of said monetary instrument or property. This provision shall apply in both civil and criminal forfeiture."</p>
14	<p>Penal Provisions.</p> <p>a. Penalties for the Crime of Money Laundering. The penalty of imprisonment ranging from seven (7) to fourteen (14) years and a fine of not less than Three million Philippine pesos (Php3,000,000.00) but not more than twice the value of the monetary instrument or property involved in the offense, shall be imposed upon a person convicted under Section 4(a), (b), (c) and (d) of this Act.</p> <p>"The penalty of imprisonment from four (4) to seven (7) years and a fine of not less than One million five hundred thousand Philippine pesos (Php1,500,000.00) but not more than Three million Philippine pesos (Php3,000,000.00), shall be imposed upon a person convicted under Section 4(e) and (f) of this Act.</p> <p>The penalty of imprisonment from six (6) months to four (4) years or a fine of not less than One hundred thousand Philippine pesos (Php100,000.00) but not more than Five hundred thousand Philippine pesos (Php500,000.00), or both, shall be imposed on a person convicted under the last paragraph of Section 4 of this Act.</p> <p>b. XXX</p> <p>c. XXX</p> <p>d. XXX</p> <p>e. The penalty of imprisonment ranging from four (4) to seven (7) years and a fine corresponding to not more than two hundred percent (200%) of the value of the monetary instrument or property laundered shall be imposed upon the covered person, its directors, officers or personnel who knowingly participated in the commission of the crime of money laundering.</p> <p>f. Imposition of Administrative Sanctions. The imposition of the administrative sanctions shall be without prejudice to the filing of criminal charges against the persons responsible for the violation.</p> <p>After due notice and hearing, the AMLC shall, at its discretion, impose sanctions, including monetary penalties, warning or reprimand, upon any covered person, its directors, officers, employees or any other person for the violation of this Act, its implementing rules and regulations, or for failure or refusal to comply with AMLC orders, resolutions and other issuances. Such monetary penalties shall be in amounts as may be determined by the AMLC to be appropriate, which shall not be more than Five hundred thousand Philippine pesos (P500,000.00) per violation.</p> <p>The AMLC may promulgate rules on fines and penalties taking into consideration the attendant circumstances, such as the nature and gravity of the violation or irregularity.</p> <p>g. The provision of this law shall not be construed or implemented in a manner that will discriminate against certain customer types, such as politically-exposed persons, as well as their relatives, or against a certain religion, race or ethnic origin, or such other attributes or profiles when used as the only basis to deny these persons access to</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	the services provided by the covered persons. Whenever a bank, or quasi-bank, financial institution or whenever any person or entity commits said discriminatory act, the person or persons responsible for such violation shall be subject to sanctions as may be deemed appropriate by their respective regulators.

5.3 CUSTOMS

A Tariff and Customs Code of the Philippines

AGENCY	Bureau of Customs
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ARTICLE NO.	PROVISIONS
101	Prohibited Importations The importation into the Philippines of the following articles is prohibited: XXX
3601	(10) All other articles and parts thereof, the importation of which is prohibited by law or rules and regulations issued by competent authority. (as amended by Presidential Decree No.34)

	<p>Unlawful Importation. - Any person who shall fraudulently import or bring into the Philippines, or assist in so doing, any article, contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such article after importation, knowing the same to have been imported contrary to law, shall be guilty of smuggling and shall be punished with:</p> <ol style="list-style-type: none"> 1. A fine of not less than fifty pesos nor more than two hundred pesos and imprisonment of not less than five days nor more than twenty days; if the appraised value, to be determined in the manner prescribed under this Code, including duties and taxes, of the article unlawfully imported does not exceed twenty -five pesos; 2. A fine of not less than eight hundred pesos nor more than five thousand pesos and imprisonment of not less than six months and one day nor more than four years, if the appraised value, to be determined in the manner prescribed under this Code, including duties and taxes, of the article unlawfully imported exceeds twenty -five pesos but does not exceed fifty thousand pesos; 3. A fine of not less than six thousand pesos nor more than eight thousand pesos and imprisonment of not less than five years and one day nor more than eight years, if the appraised value, to be determined in the manner prescribed under this Code, including duties and taxes, of the art,,,: unlawfully imported is more than fifty thousand pesos but does not exceed one hundred thousand pesos; 4. A fine of not less than eight thousand pesos nor more than ten thousand pesos and imprisonment of not less than eight years and one day nor more than twelve years, if the appraised value to be determined in the manner prescribed under this Code, including duties and taxes, of the artic unlawfully imported exceeds one hundred fifty thousand pesos; 5. xxx <p>In applying the above scale of penalties, if the offender is an alien and the prescribed penalty is not death, he shall be deported after serving the sentence without further proceedings for deportation. If the offender is a government official or employee, the penalty shall be the maximum as hereinabove prescribe and the offender shall suffer and additional penalty of perpetual disqualification from public office, to vote and to participate in any public election. When, upon trial for violation of this section, the defendant is shown to have had possession of the article in question, possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the court: Provided, however, That payment o; the tax due after apprehension shall not constitute a valid defense in any prosecution under this section.</p>
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5.4 TRANSNATIONAL ORGANIZED CRIME

A *Executive Order No. 62* *Creating the Philippine Center on Transnational Crime to formulate and implement a concerted program of action of all law enforcement, intelligence and control of transnational crime*

AGENCY	Philippine Center on Transnational Crime (PCTC)
ARTICLE NO.	PROVISIONS
4	<p>Offenses recovered.</p> <p>The PCTC shall have the authority to take cognizance of the following transnational crimes:</p> <ol style="list-style-type: none"> a. illicit trafficking of narcotic drugs and sychotropic substances; b. money laundering; c. terrorism; d. arms smuggling; e. trafficking in persons; f. piracy; and g. other crimes that have an impact on the stability and security of the country.

B *Executive order no. 295* *Amending executive order no. 8 Creating a presidential anti-organized crime commission, to investigate and prosecute criminal elements in the country*

AGENCY	Presidential Anti - Organized Crime Commission (PAOCC); Presidential Anti-Organized Crime Task Force (PAOCTF)
ARTICLE NO.	PROVISIONS
4	<p>Offenses recovered.</p> <p>The Presidential Anti - Organize Crime Commission shall have the authority to take cognizance of the following crimes:</p> <ol style="list-style-type: none"> a. Those committed by organized/syndicated crime groups, including but not limited to gunrunning, illegal, logging, robbery/hold - up, kidnapping for ransom, white slavery, illegal recruitment, car napping, smuggling, piracy, drug trafficking, falsification of land titles and other government forms, large scale swindling, film piracy, counterfeiting and bank frauds; b. Those considered and punished as heinous crime under Republic Act. No. 7659 (Heinous Crime Law); c. Those committed by the members of the Philippine National Police and/ or the Armed Forces of the Philippines; d. Those committed by officials and employees of government agencies including government agencies including government owned and controlled corporations; e. Such other criminal offenses as the President may determine from time to time. <p>An organized/syndicated crime group for purposes of this Executive Order means a group of two or more persons collaborating, confederating or mutually helping one another in the commission of any crime and sometimes enjoying the protection of people in the government and public service.</p> <p>The President of the Philippines shall delineate and identifies the specific offenses or crimes that will be handled by the Task Forces or Special Projects Groups.</p>

C Republic Act No. 10175 - Cybercrime Prevention Act of 2012	
AGENCY	Philippine Center on Transnational Crime (PCTC)
ARTICLE NO.	PROVISIONS
6	All crimes defined and penalized by the Revised Penal Code, as amended, and special laws, if committed by, through and with the use of information and communications technologies shall be covered by the relevant provisions of this Act: Provided, That the penalty to be imposed shall be one (1) degree higher than that provided for by the Revised Penal Code, as amended, and special laws, as the case may be.

5.5 ANTI-CORRUPTION

A Republic Act 3019 –Anti-Graft and Corruption Practices Act	
AGENCY	Office of Ombudsman pursuant to Republic Act 6770 – The Ombudsman Act of 1989
ARTICLE NO.	PROVISIONS
3	<p>Corrupt practices of public officers. In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:</p> <ol style="list-style-type: none"> a. Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense. b. Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other part, wherein the public officer in his official capacity has to intervene under the law. c. Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to Section thirteen of this Act. d. Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination. e. Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions. f. Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party. g. Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby. h. Director or indirectly having financing or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest. i. Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group.

A Section continued

ARTICLE NO.	PROVISIONS
	<p>Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transaction or acts by the board, panel or group to which they belong.</p> <p>j. Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled.</p> <p>k. Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date.</p> <p>The person giving the gift, present, share, percentage or benefit referred to in subparagraphs (b) and (c); or offering or giving to the public officer the employment mentioned in subparagraph (d); or urging the divulging or untimely release of the confidential information referred to in subparagraph (k) of this section shall, together with the offending public officer, be punished under Section nine of this Act and shall be permanently or temporarily disqualified in the discretion of the Court, from transacting business in any form with the Government.</p>
4	<p>Prohibition on private individuals. (a) It shall be unlawful for any person having family or close personal relation with any public official to capitalize or exploit or take advantage of such family or close personal relation by directly or indirectly requesting or receiving any present, gift or material or pecuniary advantage from any other person having some business, transaction, application, request or contract with the government, in which such public official has to intervene. Family relation shall include the spouse or relatives by consanguinity or affinity in the third civil degree. The word "close personal relation" shall include close personal friendship, social and fraternal connections, and professional employment all giving rise to intimacy which assures free access to such public officer.</p> <p>b. It shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses defined in Section 3 hereof.</p>
9	<p>Penalties for violations.</p> <p>a. Any public officer or private person committing any of the unlawful acts or omissions enumerated in Sections 3, 4, 5 and 6 of this Act shall be punished with imprisonment for not less than six years and one month nor more than fifteen years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the Government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income.</p> <p>"Any complaining party at whose complaint the criminal prosecution was initiated shall, in case of conviction of the accused, be entitled to recover in the criminal action with priority over the forfeiture in favor of the Government, the amount of money or the thing he may have given to the accused, or the fair value of such thing.</p> <p>b. Any public officer violating any of the provisions of Section 7 of this Act shall be punished by a fine of not less than one thousand pesos nor more than five thousand pesos, or by imprisonment not exceeding one year six months, or by both such fine and imprisonment, at the discretion of the Court.</p> <p>The violation of said section proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him.</p>

6 PENALTIES

6.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME					
Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Wildlife laws (Wildlife Resources Conservation & Protection Act – RA 9147)	28	Php 200	Php 1,000,000	10 days	12
Forestry/ Timber laws (Forestry Code of the Philippines – PD 705)	81	Not less than Php100.for each violation			
Fishery laws (Fisheries Code – RA 8550)	86	Value of the catch or Ph50,000, whichever is higher	5 times the value of the catch or Php 5,000,00 whichever is higher		6 months
	87	USD500,000	USD1,000,000		6 months
	91	USD600,000	USD2,400,000	6 months and one day	3
	96	8 times the value of the corals or Php500,000, whichever is higher	8 times the value of the corals or Php10,000,000 whichever is higher	10	20
	101	2 times the value of catch or Php20,000, whichever is higher	2 times the value of catch or Php1,000,000 whichever is higher	2	6
	102	5 times the value of species or Php500,000, whichever is higher.	5 times the value of species or Php 5 million whichever is higher	12	20
Environmental laws (Toxic Substance and Hazardous and Nuclear Wastes Control Act of 1990 – RA 6969)	13(d)	Php 10,000	Php 50,000	12 + 1 day	20
National parks/ protected areas laws (National Integrated Protected Areas System Act of 1992 – RA 7586)	21	Php 5,000	Php 500,000	1	6
Animal Welfare laws (Animal Welfare & Protection Act – RA 8485)	8	Php 1,000	Php 5,000	6 months	2

* In local currency unless otherwise stated

** In years unless otherwise stated.

6.2 PENALTIES UNDER OTHER NATIONAL LAWS

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Anti-Money Laundering Laws (Anti-Money Laundering Act of 2001, as amended – RA 9160)	4(a)	Php 3,000,000	Not more than twice the value of the monetary instrument	7	14
	4(b)	Php1,500,000	Php3,000,000	4	7
	4(c)	Php 100,000	Php 500,000	6 months	4
Anti-Corruption laws (Anti-Graft & Corrupt Practices Act – RA 3019)	9			1	10
Customs laws (Tariff & Customs Code of the Philippines)	3601 (1)	Php 50	Php 200	5 days	20 days
	3601 (2)	Php800	Php5,000	6 months	4
	3601 (3)	Php6,000	Php8,000	4	8
	3601 (4)	Php8,000	Php10,000	8 + 1 day	12
Organized crime laws (The Terrorism Financing Prevention & Suppression Act Of 2012 – RA 10168)	4	Php500,000	Php1,000,000	Reclusion temporal in its maximum period	Reclusion perpetua
	8	Php500,000	Php1,000,000	Reclusion temporal in its maximum period	Reclusion perpetua
(Cybercrime Prevention Act of 2012 – RA 10175)	8 in relation to 4 (a) & (b)	Php200,000	Maximum amount commensurate to the damage incurred	Prison Mayor	
	8 in relation to 4 (a)(5)	Php500,000		Prison Mayor	

7 ANNEXES

A OVERVIEW OF LAW ENFORCEMENT PROCESS FOR WILDLIFE CRIME INVESTIGATION

REPORTING OF OFFENCE	
AGENCIES INVOLVED	Department of Environment and Natural Resources (DENR), Department of Agriculture (DA), Papalwan Council for sustainable Development (PSCD), Philippine National Police (PNP), Armed Forces of the Philippines (AFP), National Bureau of Investigation (NBI), Department of Justice (DOJ)
LAWS/ARTICLE NUMBERS	RA 9147, RA 8550, RA 8485

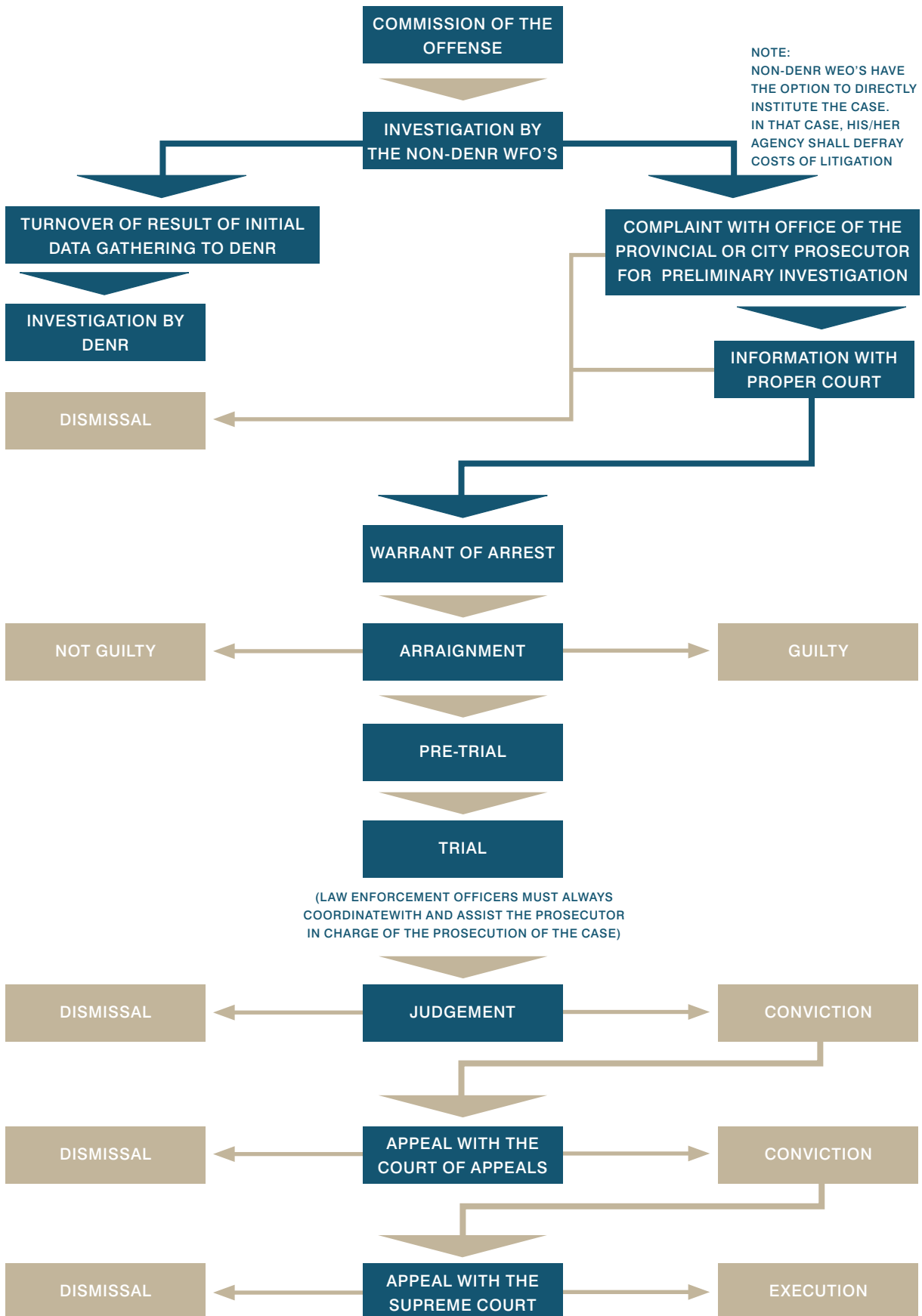
INFORMATION AND EVIDENCE GATHERING	
AGENCIES INVOLVED	DENR, DA, PNP, NBI, AFP
LAWS/ARTICLE NUMBERS	Section 33 of RA 9147, Philippine Wildlife Law Enforcement Manual of Operations

ARREST OF SUSPECT / REMAND	
AGENCIES INVOLVED	PNP, NBI, DENR, DA
LAWS/ARTICLE NUMBERS	Philippine Rules of Court

SEIZURE AND HANDLING OF EVIDENCE	
AGENCIES INVOLVED	DENR, DA
LAWS/ARTICLE NUMBERS	Philippine Wildlife Law Enforcement Manual of Operations

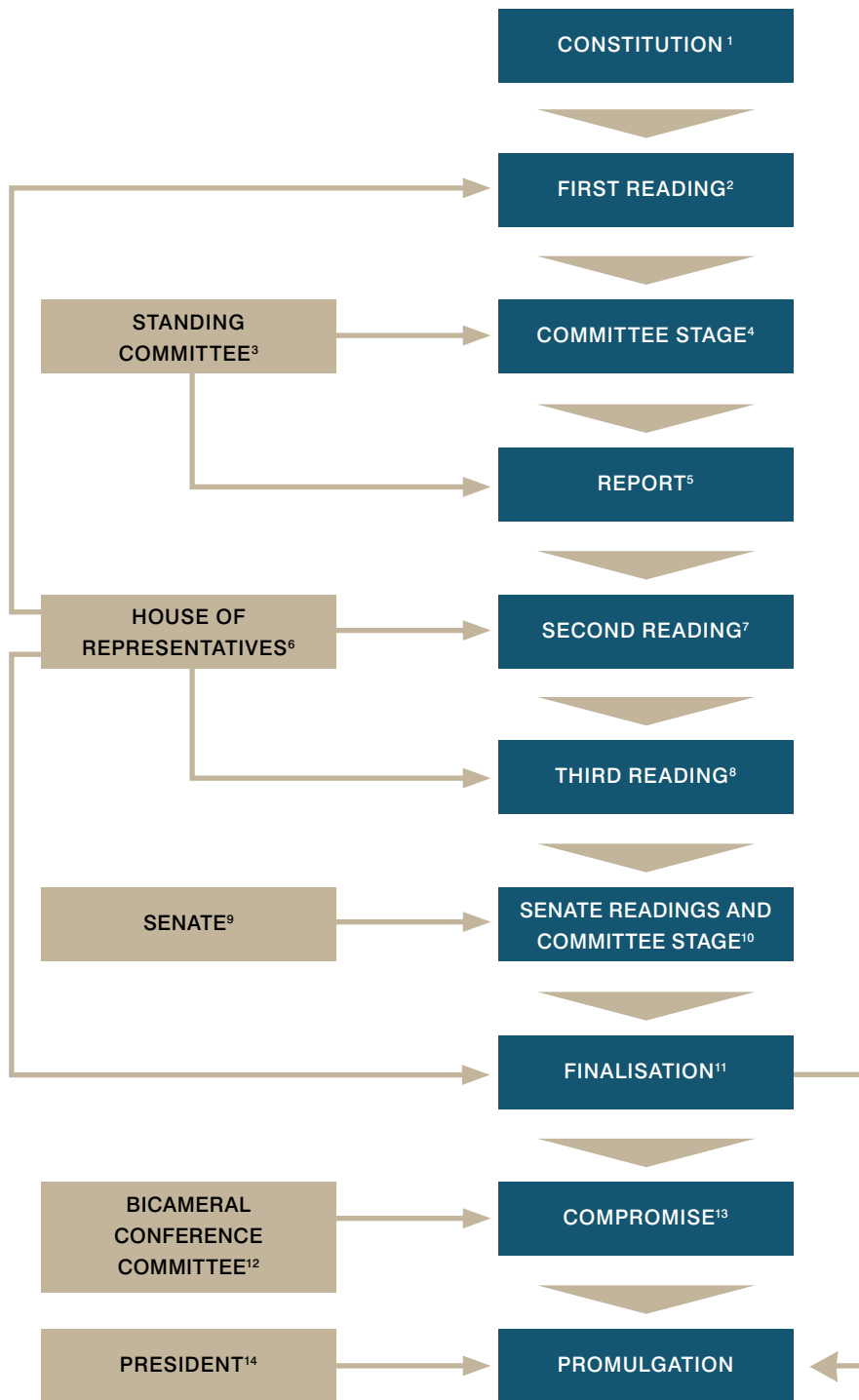
CHARGING A SUSPECT	
AGENCIES INVOLVED	DENR, DA, PNP, NBI, DOJ
LAWS/ARTICLE NUMBERS	Philippine Wildlife Law Enforcement Manual of Operations Philippine Rules of Court

B OVERVIEW OF LEGAL PROCESS AND PROCEDURE FOR PROSECUTION AND SENTENCING OF WILDLIFE CRIMES



Note: During appeal with the Court of Appeals and Supreme Court, law enforcement officer must continue to coordinate with and assist the prosecutor in handling the case.

C OVERVIEW OF LEGISLATIVE PROCESS PHILIPPINES¹⁵



- 1 Article VI(1) of the Constitution gives the Congress of Philippines (comprising of the House of Representatives and the Senate) legislative power. The Bill would then go on to the initiating chamber for first reading (in this flowchart it is the House, but this is not always the case)
- 2 The First Reading is a formal introduction of the Bill where only the title is read aloud
- 3 There are a large number of Committees in Congress which cover different policy areas. There are 59 in the House (in addition to 11 Special Committees) and 39 in the Senate (in addition to 33 adhoc Committees)
- 4 Most political compromises take place during the Committee Stage, as well as the practical aspects of writing a law. It also includes the input of expert and public opinion.
- 5 The report describe the purpose ad scope of the Bill and also explains any Amendments included from the Committee Stage
- 6 The House of Representatives is the lower house. It comprises of 289 elected members.
- 7 The Second Reading is when members get their main opportunity to debate in plenary. It also includes a period of Amendments and finally a vote on whether the Second Reading should be approved
- 8 The Third Reading is largely a formality with printed copies of the Bill handed out to members and a subsequent vote on this final bill
- 9 The Senate is the upper house. It comprises of 24 elected members.
- 10 The Other Chamber (in this case the Senate) follows the same '3 Readings' procedure as the House of Representatives and also refers the Bill to its own Standing Committee.
- 11 The Initiating Chamber finalizes a compatible version of the Bill.
If there are no differences between the chambers the Bill will go straight to the President.
- 12 The Bicameral Conference Committee members are designated by the Speaker of the House and the Senate President
- 13 If there are still differences between the chambers after the finalization stage the Bicameral Conference Committee will work to reach an agreement through compromise and concessions.
- 14 If the President does not sign a Bill within 30 days it will become law regardless. Furthermore a Bill can also become law if the Senate votes by two-thirds to override a Presidential veto.
- 15 SHERLOCK S (2015), One ASEAN: Many Systems. Legislative Procedures of AIPA Member Parliaments. ISBN 978-602-72633-1-4
The flowchart for the legislative process was created based on the information provided in this document.

D LIST OF NATIONAL LAWS

- 1 Anti-graft and Corrupt Practices Act (Republic Act No. 3019, 1960)/ 17 August 1960 Anti-Money Laundering Act of 2001, Republic Act No. 9160
- 2 Anti-Fencing Law of 1979 – Presidential Decree No. 1612
- 3 An Act further strengthening the Anti-Money Laundering Law, amending for the purpose Republic Act No. 9160, otherwise known as the “Anti-Money Laundering Act of 2001, as Amended, Republic Act No. 10365, 6 Feb 2013
- 4 Animal Welfare Act of 1998 – Republic Act No. 8485, as Amended by Republic Act No. 10631 (2013)
- 5 An Act Defining and Penalizing the Crime of Plunder – Republic Act No. 7080/ 12 July 1991
- 6 Cybercrime Prevention Act, Republic Act No. 10175/ 12 September 2012
- 7 Code of Conduct and Ethical standards for Public Officials and Employees, Republic Act No. 6713/ 20 February 1989
- 8 Constitution of the Republic of the Philippines, 1987
- 9 DENR Special order No. 2013-354 – Creation of the Philippine Operations group on Ivory (POGI)
- 10 Extradition Law 1977, Presidential Decree No. 1069
- 11 Executive Order No. 62 Creating the Philippine Center on Transnational Crime to Formulate and Implement a Concerted Program of Action of all Law Enforcement, Intelligence and other Agencies for the Prevention and Control of Transnational Crime, 15 January 1999
- 12 Executive Order No.295 –Presidential Anti-organized Crime Commission
- 13 Electronic Commerce Act of 2000 – Republic Act No. 8792
- 14 Fisheries Code, Republic Act No. 8550, 25 Feb 1998 as amended by Republic Act No. 10654
- 15 Food Safety Act of 2013 – Republic Act No. 10611
- 16 Indigenous Peoples Rights Act, R.A. no. 8371, 29 Oct 1997
- 17 National Cultural Heritage Act of 2009, Republic Act No. 10066
- 18 National Integrated Protected Areas System Act, Republic Act No. 7586, 1 June 1992
- 19 National Caves and Caves Resources Management and Protection Act, R.A. no. 9072, 8 April 2001
- 20 Ombudsman Act of 1989 – Republic Act 6770
- 21 Presidential Decree No. 1464, A Decree to Consolidate and Codify all the Tariff and Customs Laws of the Philippines, 11 June 1978
- 22 Presidential Decree No. 856/Code on Sanitation of the Philippines, 23 December 1975
- 23 Revised Penal Code – Act No. 3815/ December 8, 1930
- 24 Strategic Environmental Plan for Palawan, R.A. no. 7611, 19 June 1992
- 25 Tariff and Customs Code of the Philippines (TCCP) Volume I and Volume II
- 26 Toxic Substances and Hazardous and Nuclear Wastes Control Act, Republic Act No. 6969/October 26, 1990
- 27 Wildlife Resources Conservation and Protection Act (Republic Act No. 9147, National Law enacted in 30 July 2001
- 28 Joint DENR-DA-PSCD Implementing Rules and Regulations of Republic Act 9147, National Procedures and Guidelines in the Implementation of Republic Act 9147
- 29 An Act To Prevent, Deter And Eliminate Illegal, Unreported And Unregulated Fishing, Amending Republic Act No. 8550, Otherwise Known As “The Philippine Fisheries Code Of 1998,” And For Other Purposes, Republic Act No. 10654



NATIONAL LAWS SINGAPORE



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1 EXECUTIVE SUMMARY

WILDLIFE LAWS

Singapore has been a member of CITES since 1987 and is a Category One country under CITES¹. There are a number of legislation that are relevant to the investigation and prosecution of wildlife crime:

1. Endangered Species (Import and Export) Act [ESA], Chapter 92A, 2006, revised in 2008
2. Fisheries Act, Chapter 111, 1966, revised in 2002
3. Wild Animal and Birds Act, Chapter 351, 1965, revised in 2000
4. Wild Animals (Licensing) Order, 1990, revised in 1992
5. Wholesome Meat and Fish Act, Chapter 349A, 1999, revised in 2000
6. Control of Plants Act, Chapter 57A, 1993, revised in 2000
7. Control of Plants (Plant Importation) Rules, 1994, revised in 2000
8. Animals and Birds Act, Chapter 7 [as amended by the Animals and Birds (Amendment) Act No. 46 of 2014]

The Act directly relevant to CITES implementation is the Endangered Species (Import and Export) Act Chapter 92A, 2006, revised in 2008 (ESA). The key strengths are that the law covers all CITES-listed species, encompasses illegal possession as an offence, confers the power to CITES authority to investigate transshipment cases and take actions in case of illegalities, and comprehensive enforcement powers as well as large category of offences including transit cases; which is highly relevant to Singapore's position as a transit hub for wildlife trafficking activities.

PENALTIES UNDER WILDLIFE LAWS

Under the ESA, the maximum imprisonment term for wildlife trafficking offences is 2 years, the lowest in the ASEAN region. Although this does not meet the requirement of "serious offence" pursuant to the definition of UNTOC, such offences are specifically listed as serious offences under Singapore's Corruption, Drug Trafficking And Other Serious Crimes (Confiscation Of Benefits) Act (Chapter 65a) Revised Edition 2000, which is a powerful instrument to combat transnational organized wildlife crimes. This is an important legislation to complement the ESA as it also empowers the authorities to apply for the confiscation of assets and benefits derived from criminal conduct upon conviction².

The maximum fine under the ESA for wildlife trafficking is SGD 500,000 (approximately USD 350,000). This may be an area that can be improved as given the value of illegal wildlife trade, the amount may be too low to be an effective deterrence for the criminals, in particular in cases of organized syndicates.

INTERNATIONAL COOPERATION AND OTHER LAWS

It is noteworthy that Singapore has ratified/acceded many of the relevant international treaties³. Relevant laws have been passed, amended or were already in existence to comply with and complement the respective treaties. Notwithstanding that Singapore is not a party to some of the listed conventions, it has laws on the relevant topics.

Singapore has robust laws and penalties on anti-money laundering and anti-corruption activities and wildlife trafficking is a predicate crime under such laws⁴. Specifically, the Singapore government has adopted a whole-of-government approach to combating money laundering (ML) and terrorism financing (TF). This is led by the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) Steering Committee, comprising the Permanent Secretary of the Ministry of Home Affairs, Permanent Secretary of the Ministry of Finance and Managing Director of the Monetary Authority of Singapore.

The maximum imprisonment term is 10 years⁵. However the maximum fines for individuals are on the low side at SGD500,000 (approximately USD350,000), given the severity and high value of such crimes. With organized syndicates increasing involvement in wildlife trafficking, Singapore shall definitely benefit from inter-agencies and regional cooperation in the fight against transnational and organized wildlife crime.

¹ Category One where its legislation is believed generally to meet all four requirements for effective implementation of CITES; Category Two where its legislation is believed generally to meet one to three of the four requirements for effective implementation of CITES; and category three where its legislation is believed generally to not meet any of the four requirements for effective implementation of CITES.

² Section 5, Corruption, Drug Trafficking And Other Serious Crimes (Confiscation Of Benefits) Act (Chapter 65a) Revised Edition 2000

³ See section 2 on International convention, treaties and agreements: relevant laws

⁴ Corruption, Drug Trafficking And Other Serious Crimes (Confiscation Of Benefits) Act (Chapter 65a) Revised Edition 2000

⁵ Section 47, Corruption, Drug Trafficking And Other Serious Crimes (Confiscation Of Benefits) Act (Chapter 65a) Revised Edition 2000

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF SIGNING: 30/11/1986 DATE OF RATIFICATION: 28/02/1987</p>
<ul style="list-style-type: none"> a. Endangered Species (Import and Export) Act [ESA], Chapter 92A, 2006, revised in 2008 b. Fisheries Act, Chapter 111, 1966, revised in 2002 c. Wild Animal and Birds Act, Chapter 351, 1965, revised in 2000 d. Wild Animals (Licensing) Order, 1990, revised in 1992 e. Wholesome Meat and Fish Act, Chapter 349A, 1999, revised in 2000 f. Control of Plants Act, Chapter 57A, 1993, revised in 2000 g. Control of Plants (Plant Importation) Rules, 1994, revised in 2000 h. Animals and Birds Act, Chapter 7 [as amended by the Animals and Birds (Amendment) Act No. 46 of 2014] 	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF SIGNING: 13/12/2000 DATE OF ACCESSION: 28/08/2007</p>
<ul style="list-style-type: none"> a. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A, 1992, revised in 2000 	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF SIGNING: 11/11/2005 DATE OF RATIFICATION: 28/08/2007</p>
<ul style="list-style-type: none"> a. Prevention of Corruption Act, 1960, Chapter 241, revised in 1993 b. Penal Code, Chapter 224, 1871, revised in 2008 c. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A, 1992, revised in 2000 d. Companies Act, Chapter 50, 1967, revised in 2006 e. Public Service (Disciplinary Proceedings) Regulations, 1970, revised in 1999 f. Criminal Procedure Code, 2010, revised in 2012 	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF SIGNING: DATE OF RATIFICATION:</p>
<p>As of 22 June 2015, Singapore is not yet a party to the Kyoto Convention</p>	
<ul style="list-style-type: none"> a. Customs Act (Chapter 70) 	
<p>5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995</p>	<p>DATE OF SIGNING: DATE OF RATIFICATION:</p>
<ul style="list-style-type: none"> a. Health Products Act, Chapter 122D, 2007, revised in 2008 b. Control of Plants Act, Chapter 57A, 1993, revised in 2000 	

<p>6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL</p>	<p>DATE OF SIGNING: 12/06/1992 DATE OF RATIFICATION: 21/12/1995</p>
<p>a. Parks and Trees Act, 2005 b. Protected Areas and Protected Places Act, Chapter 256, 1959, revised in 2013</p>	
<p>7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972</p>	<p>DATE OF SIGNING: 16/11/1972 DATE OF RATIFICATION: 19/06/2012</p>
<p>a. Parks and Trees Act, 2005, Part IV, Protection and Conservation of Trees and Plants</p>	
<p>8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2004</p>	<p>DATE OF SIGNING: 29/11/2004 DATE OF RATIFICATION:</p>
<p>a. Mutual Assistance in Criminal Matters Act, Chapter 190A, 2000, revised in 2001 b. Extradition Act (Chapter 103)</p>	
<p>9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION - THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012</p>	<p>DATE OF SIGNING: DATE OF ACCESSION:</p>
<p>a. Monetary Authority of Singapore Act, 1970, revised in 1999 b. Banking Act, 1970, revised in 2008 c. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A, 1992, revised in 2000 d. Moneylenders (Prevention of Money Laundering and Financing of Terrorism) Rules 2009, 2008</p>	
<p>10 CONVENTION ON CYBERCRIME, BUDAPEST, 1 JULY 2004 (BUDAPEST CONVENTION ON CYBERCRIME)</p>	<p>DATE OF SIGNING: DATE OF RATIFICATION:</p>
<p>a. Computer Misuse and Cybersecurity Act, Chapter 50A, 1993, revised in 2007</p>	
<p>11 BIOLOGICAL AND TOXIN WEAPONS CONVENTION (BWC) 1972</p>	<p>DATE OF SIGNING: 19/06/1972 DATE OF RATIFICATION: 2/12/1975</p>
<p>a. Strategic Goods (Control) Act, Chapter 300, 2002, revised in 2003 b. Hazardous Waste (Control of Export, Import and Transit) Act, Chapter 122A, 1997, revised in 1998 c. Corrosive and Explosive Substances and Offensive Weapons Act, Chapter 65, 1966, revised in 2013 d. Arms and Explosives Act, Chapter 13, 1913, revised in 2013 e. Explosive Substances Act, Chapter 100, 1924, revised in 2014 f. Environmental Protection and Management Act, 1999, revised in 2002 g. Arms Offences Act, Chapter 14, 1973, revised in 2008</p>	

3 KEY PROVISIONS OF WILDLIFE LAWS

3.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A Endangered Species (Import and Export) Act, Chapter 92A	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
4	<p>(1) Any person who imports, exports, re-exports or introduces from the sea any scheduled species without a permit shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each such scheduled species (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.</p> <p>(2) Any person who has in his possession or under his control, or who sells, offers or exposes or advertises for sale, or displays to the public any scheduled species which has been imported or introduced from the sea in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each such scheduled species (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.</p> <p>(3) Any person who sells, offers or exposes or advertises for sale, or displays to the public such scheduled species as the Minister may, by notification in the Gazette, specify shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 for each such scheduled species (but not to exceed in the aggregate \$100,000) or to imprisonment for a term not exceeding 12 months or to both.</p>
5	<p>(1) Every scheduled species in transit in Singapore shall be accompanied by —</p> <p>a. a valid CITES export or re-export permit, licence, certificate or written permission issued by the competent authority of the country of export or re-export, as the case may be, of the scheduled species; and</p> <p>b. where required by the country of import or final destination of the scheduled species, a valid CITES import permit, licence, certificate or written permission issued by the competent authority of that country or destination.</p> <p>(2) Any owner, importer, exporter or re-exporter who contravenes subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each scheduled species in transit in Singapore in contravention of that subsection (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.</p>
B Endangered Species (Import And Export) (Prohibition Of Sale) Notification 2008	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
2	<p>Prohibition of sale</p> <p>(2) No person shall sell, offer or expose for sale or display to the public the readily recognizable parts and derivatives set out in the second column of the Schedule in respect of the animal specified in the first column thereof.</p>
C Wild Animals and Birds Act, Chapter 351	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
10	<p>(1) No person shall import into Singapore any wild animal or bird whether alive or dead, or any part thereof, except under a written authorisation either general or special signed by or on behalf of the Director General and within the terms of such authorisation.</p>

C Section continued	
ARTICLE NO.	PROVISIONS
2	<p>(2) Nothing in subsection (1) shall be deemed to prohibit the importation into Singapore of any wild animal or bird in cold storage to be used for food where the importer can show that the animal or bird was killed outside Malaysia, Burma, Kampuchea, Indonesia, Laos, Vietnam or Thailand.</p> <p>(3) Any person who imports or attempts to import into or exports or attempts to export from Singapore any wild animal or bird or part thereof —</p> <p>a. without an authorisation under subsection (1); or</p> <p>b. in contravention of the terms of such authorisation, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 in respect of each such wild animal or bird or any part thereof.</p>

D Fisheries Act, Chapter 111	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
10	<p>Prohibition on use of poisons or explosives</p> <p>(1) Any person who, except under the authority of a licence issued under this Act, uses any poisonous or explosive substance with intent to stupefy, poison or kill fish shall be guilty of an offence.</p> <p>(2) Any person who is found in possession of fish which have been captured with the aid of any poisonous or explosive substance and does not give a satisfactory account as to how he came to be in possession thereof shall be guilty of an offence.</p> <p>(3) When any poisonous or explosive substance by which fish can be stupefied, poisoned or killed is found in the possession or control of any person in the neighbourhood of any waters shortly after the use of such a substance in the waters, the person shall be presumed until the contrary is proved to have made use of the substance for those purposes.</p> <p>(4) Any person in a fishing boat who is found to be in possession or control of any poisonous or explosive substance without a licence shall be guilty of an offence.</p>
11	<p>Landing or selling fish illegally caught</p> <p>Any person who lands or sells fish caught by methods prohibited, or within areas prohibited, by this Act shall be guilty of an offence.</p>

E Animals and Birds Act, Chapter 7 [as amended by the Animals and Birds (Amendment) Act No. 46 of 2014]	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
8	<p>No person to import or tranship any animal, bird or veterinary biologics without licence</p> <p>(1) Except as provided in any order made under section 7(1), no person shall import or tranship any animal, bird or veterinary biologics, except in accordance with a licence issued in that behalf by the Director-General and in accordance with the conditions (if any) of that licence and such other conditions as may be prescribed.</p> <p>(2) A licence to import or tranship any animal, bird or veterinary biologics under this Act may be obtained on an application made in the prescribed form to the Director-General and upon the payment of such fees as may be prescribed.</p> <p>(3) Any person importing or transshipping an animal, bird or veterinary biologics in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.</p>

E Section continued

ARTICLE NO.	PROVISIONS
9	<p>Importation or possession of noxious insects, pests or genetically modified organisms, etc.</p> <p>(1) No person shall knowingly import into Singapore or shall have in his possession any living noxious insect, or any living pest, or any living disease germ or virus or any bacterial culture, of a nature harmful or dangerous to animals or birds, or any genetically modified organism without the prior written consent of the Director-General.</p> <p>(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.</p>
16	<p>(1) No person shall export any animal or bird or the carcass of any animal or bird except in accordance with —</p> <p>a. a licence in that behalf issued by the Director-General;</p> <p>b. the conditions of that licence (if any); and</p> <p>c. such other conditions as may be prescribed.</p> <p>(2) A licence to export any animal or bird or the carcass of any animal or bird may be issued upon an application made in the prescribed form to the Director-General and upon the payment of such fees as may be prescribed [16/2000]</p> <p>(3) Any person exporting any animal or bird or the carcass of any animal or bird in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both</p>
48	<p>Animals and birds not to be kept in captivity for sale, export or exhibition without licence</p> <p>(1) No person shall keep in captivity for sale, export or exhibition any animal or bird in any place which has not been licensed in that behalf under this Act.</p> <p>(2) Any person who contravenes subsection (1) shall be guilty of an offence «and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.</p>

F Parks and Trees Act, Chapter 216

AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
8	<p>Restricted activities in respect of trees, plants, etc., in national «parks «and nature reserves</p> <p>(1) No person shall, except with the approval of the Commissioner granted under section 12 «and in accordance with the terms «and conditions of such approval, carry out any of the following activities within any national park or nature reserve:</p> <p>a. cut, collect or displace any tree or plant or any part thereof;</p> <p>b. affix, set up or erect any sign, shrine, altar, religious object, shelter, structure or building; clear, break up, dig or cultivate any land;</p> <p>c. use or occupy any building, vehicle, boat or other property of the Board; or</p> <p>d. wilfully drop or deposit any dirt, sand, earth, gravel, clay, loam, manure, refuse, sawdust,</p> <p>e. shavings, stone, straw or any other matter or thing from outside the national park or nature reserve.</p> <p>(2) No person shall carry out any activity within any national park or nature reserve which he knows or ought reasonably to know causes or may cause alteration, damage or destruction to any property, tree or plant within the national park or nature reserve.</p> <p>(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence «and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both «and, in the case of a continuing offence, to a further fine of \$500 for every day or part thereof during which the offence continues after conviction.</p>

F Section continued

ARTICLE NO.	PROVISIONS
	<p>(4) Subsections (1) «and (2) shall not apply to —</p> <ul style="list-style-type: none">a. the Commissioner, an authorised officer or a park ranger acting in the performance of his duty under this Act;b. any other officer or employee of the Board acting in the performance of his duty under this Act or any other written law; andc. any police officer or workman assisting a person referred to in paragraph (a) or (b) to carry out his duty.
9	<p>Restricted activities in respect of animals, etc., in national parks and nature reserves</p> <p>(1) No person shall, except with the approval of the Commissioner granted under section 12 and in accordance with the terms and conditions of such approval, carry out any of the following activities within any national park or nature reserve:</p> <ul style="list-style-type: none">a. capture, displace or feed any animal;b. disturb or take the nest of any animal;c. collect, remove or wilfully displace any other organism;d. use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of capturing any animal; ore. carry or have in the person's possession any explosive, net, trap or hunting device. <p>(2) No person shall carry out any activity within any national park or nature reserve which he knows or ought reasonably to know causes or may cause injury to, or the death of, any animal or any other organism within the national park or nature reserve.</p> <p>(3) No person shall, except with the approval of the Commissioner granted under section 12 and in accordance with the terms and conditions of such approval —</p> <ul style="list-style-type: none">a. bring or release or cause any animal to be brought or released into a nature reserve; orb. permit any domestic animal to stray into a nature reserve. <p>(4) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine of \$500 for every day or part thereof during which the offence continues after conviction.</p> <p>(5) Subsections (1), (2) and (3) shall not apply to —</p> <ul style="list-style-type: none">a. the Commissioner, an authorised officer or a park ranger acting in the performance of his duty under this Act;b. any other officer or employee of the Board acting in the performance of his duty under this Act or any other written law; andc. any police officer or workman assisting a person referred to in paragraph (a) or (b) to carry out his duty
10	<p>Destruction, damage, etc., of notices, boundary marks, etc.</p> <p>(1) No person shall wilfully or negligently destroy, damage or deface any object of zoological, botanical, geological, ethnological, scientific or aesthetic interest within any national park or nature reserve.</p> <p>(2) No person shall —</p> <ul style="list-style-type: none">a. destroy, damage, deface, alter or remove any notice or other sign erected by or on behalf of the Board within any national park or nature reserve; orb. knowingly destroy, damage, deface, alter or remove any boundary mark within any national park or nature reserve. <p>(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.</p>

F Section continued

ARTICLE NO.	PROVISIONS
	<p>(4) Subsections (1) and (2) shall not apply to —</p> <ol style="list-style-type: none">a. the Commissioner, an authorised officer or a park ranger acting in the performance of his duty under this Act;b. any other officer or employee of the Board acting in the performance of his duty under this Act or any other written law; andc. any police officer or workman assisting a person referred to in paragraph (a) or (b) to carry out his duty.
11	<p>Landing or selling fish illegally caught</p> <p>Any person who lands or sells fish caught by methods prohibited, or within areas prohibited, by this Act shall be guilty of an offence.</p>
14	<p>No cutting or damaging of tree having girth of more than one meter</p> <p>(1) Subject to subsection (6), no person shall, except with the approval of the Commissioner under section 20 and in accordance with the terms and conditions of such approval, cut any tree with a girth exceeding one metre growing on —</p> <ol style="list-style-type: none">a. any tree conservation area; orb. any vacant land (whether within or outside a tree conservation area). <p>(2) Any person who contravenes subsection (1) or damages any tree referred to in that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.</p> <p>(3) In determining the amount of fine to be imposed on a person convicted of an offence under subsection (2), the court shall, in particular, have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.</p> <p>(4) For the purposes of this section, the girth of a tree shall be measured half a metre from the ground.</p> <p>(5) Where in any proceedings for an offence under this section, a question arises as to whether the girth of a tree measured half a metre from the ground exceeds or does not exceed one metre, a certificate purporting to be signed by the Commissioner or an authorised officer certifying the girth of the tree shall be admissible as prima facie evidence of the matters stated therein and of the signature of the Commissioner or authorised officer, as the case may be.</p> <p>No approval referred to in subsection (1) shall be required where the condition of the tree constitutes an immediate threat to life or property.</p>
18	<p>No cutting or damaging of tree or plant in heritage road green buffer</p> <p>(1) Subject to subsection (4), no person shall, except with the approval of the Commissioner granted under section 20 and in accordance with the terms and conditions of such approval, cut any tree or plant within a heritage road green buffer.</p> <p>(2) Any person who contravenes subsection (1) or damages any tree or plant within a heritage road green buffer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.</p> <p>(3) In determining the amount of fine to be imposed on a person convicted of an offence under subsection (2), the court shall, in particular, have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.</p> <p>(4) No approval referred to in subsection (1) shall be required where —</p> <ol style="list-style-type: none">a. the tree or plant is determined by the Commissioner as dying or dead; orb. the condition of the tree or plant constitutes an immediate threat to life or property.

F Section continued

ARTICLE NO.	PROVISIONS
19	<p>Heritage road green buffers not to be interfered with</p> <p>(1) Without prejudice to section 18, no person (other than a road authority) shall, except with the approval of the Commissioner granted under section 20 and in accordance with the terms and conditions of such approval —</p> <ol style="list-style-type: none"> alter, close up or remove any heritage road green buffer; erect or place any structure or object in, above, across or under any heritage road green buffer; or erect, construct or lay within any heritage road green buffer any fence, retaining wall, foundation, manhole, pipe, cable, mains or any obstruction or structure (whether temporary or permanent). <p>(2) Any person who, without reasonable cause, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine of \$500 for every day or part thereof during which the offence continues after conviction.</p> <p>(3) The road authority shall, before carrying out within a heritage road green buffer any work or activity in the performance of any function or discharge of any duty conferred on the road authority by or under any written law, consult the Board in respect thereof.</p>

3.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT / ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

A The Law

AGENCY	The Agri-Food and Veterinary Authority (AVA) of Singapore is the National Focal Point of ASEAN-WEN, supported by partner enforcement agencies (ICA, PCG); work closely with Singapore Customs for profiling of high-risk consignments for checks; updates to SOP with ICA/PCG on inspection of CITES consignments and detection of illegal CITES shipments; continued cooperation and communication with NGOs, zoological institutions, Port Authorities, AG Chambers and other Government agencies.
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3.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY AT LEAST FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY¹ OR BY LAW

A Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A

AGENCY	Ministry of Home Affairs, Ministry of Finance and Monetary Authority of Singapore
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ARTICLE NO.	PROVISIONS
2	<p>“serious offence” means —</p> <ol style="list-style-type: none"> any of the offences specified in the Second Schedule; conspiracy to commit any of those offences; inciting others to commit any of those offences; attempting to commit any of those offences; or aiding, abetting, counselling or procuring the commission of any of those offences;
(Second Schedule, Part III)	<ul style="list-style-type: none"> Animals and Birds Act (Cap. 7) Control of Plants Act (Cap. 57A) Control of Plants (Plant Importation) Rules Endangered Species (Import and Export) Act 2006 (Act 5 of 2006) Environmental Protection and Management Act (Cap. 94A) Wholesome Meat and Fish Act (Cap. 349A) Wild Animals and Birds Act (Cap 351)

¹ Per definition in UNTOC

3.4 PROTECTION OF NON-NATIVE SPECIES

A *Endangered Species (Import and Export) Act, Chapter 92A*

AGENCY Agri-food and veterinary Authority of Singapore

ARTICLE NO. PROVISIONS

- 4
- (1) Any person who imports, exports, re-exports or introduces from the sea any scheduled species without a permit shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each such scheduled species (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.
 - (2) Any person who has in his possession or under his control, or who sells, offers or exposes or advertises for sale, or displays to the public any scheduled species which has been imported or introduced from the sea in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each such scheduled species (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.
 - (3) Any person who sells, offers or exposes or advertises for sale, or displays to the public such scheduled species as the Minister may, by notification in the Gazette, specify shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 for each such scheduled species (but not to exceed in the aggregate \$100,000) or to imprisonment for a term not exceeding 12 months or to both.

- 5
- (1) Every scheduled species in transit in Singapore shall be accompanied by —
 - a. a valid CITES export or re-export permit, licence, certificate or written permission issued by the competent authority of the country of export or re-export, as the case may be, of the scheduled species; and
 - b. where required by the country of import or final destination of the scheduled species, a valid CITES import permit, licence, certificate or written permission issued by the competent authority of that country or destination.
 - (2) Any owner, importer, exporter or re-exporter who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each scheduled species in transit in Singapore in contravention of that subsection (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.

B *Endangered Species (Import And Export) (Prohibition Of Sale) Notification 208*

AGENCY Agri-food and veterinary Authority of Singapore

ARTICLE NO. PROVISIONS

- 2
- Prohibition of sale
- No person shall sell, offer or expose for sale or display to the public the readily recognizable parts and derivatives set out in the second column of the Schedule in respect of the animal specified in the first column thereof.

C *Wild Animals and Birds Act, Chapter 351*

AGENCY Agri-food and veterinary Authority of Singapore

ARTICLE NO. PROVISIONS

- 5
- b. Any person who kills, takes or keeps any wild animal or bird, other than those specified in the Schedule, without a license shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to the forfeiture of the wild animal or bird
- 8
- A person who —
- a. kills or takes or has in his possession the body of any wild animal or bird killed or taken in contravention of an order made under section 3 (a);

C Section continued

ARTICLE NO.	PROVISIONS
	<p>b. takes, destroys or has in his possession the eggs of any wild bird during the time of the year which has been declared under section 3 (a) to be the time during which such a bird shall not be killed, or during the breeding season declared under section 3 (b) in respect of such a bird;</p> <p>c. kills or takes any wild animal or bird, the killing or taking of which is prohibited under the provisions of this Act;</p> <p>d. nets, snares or takes by means of any contrivance any wild animal or bird which has been prohibited under section 3 (d) from netting, snaring or taking by means of any contrivance; or</p> <p>e. exposes or offers for sale or exports any wild animal or bird other than those specified in the Schedule or the skin or plumage of any such wild animal or bird, unless he can show that the animal or bird was lawfully killed or taken,</p> <p>shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to the forfeiture of the wild animal or bird.</p>
10	<p>(1) No person shall import into Singapore any wild animal or bird whether alive or dead, or any part thereof, except under a written authorization either general or special signed by or on behalf of the Director General and within the terms of such authorization.</p> <p>(2) Nothing in subsection (1) shall be deemed to prohibit the importation into Singapore of any wild animal or bird in cold storage to be used for food where the importer can show that the animal or bird was killed outside Malaysia, Burma, Kampuchea, Indonesia, Laos, Vietnam or Thailand.</p> <p>(3) Any person who imports or attempts to import into or exports or attempts to export from Singapore any wild animal or bird or part thereof —</p> <p>a. without an authorization under subsection (1); or</p> <p>b. in contravention of the terms of such authorization, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 in respect of each such wild animal or bird or any part thereof.</p>

D Animals and Birds Act, Chapter 7 [as amended by the Animals and Birds (Amendment) Act No. 46 of 2014]

AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
8	<p>No person to import or tranship any animal, bird or veterinary biologics without licence</p> <p>(1) Except as provided in any order made under section 7(1), no person shall import or tranship any animal, bird or veterinary biologics, except in accordance with a licence issued in that behalf by the Director-General and in accordance with the conditions (if any) of that licence and such other conditions as may be prescribed.</p> <p>(2) A licence to import or tranship any animal, bird or veterinary biologics under this Act may be obtained on an application made in the prescribed form to the Director-General and upon the payment of such fees as may be prescribed.</p> <p>(3) Any person importing or transshipping an animal, bird or veterinary biologics in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.</p>
9	<p>Importation or possession of noxious insects, pests or genetically modified organisms, etc.</p> <p>(1) No person shall knowingly import into Singapore or shall have in his possession any living noxious insect, or any living pest, or any living disease germ or virus or any bacterial culture, of a nature harmful or dangerous to animals or birds, or any genetically modified organism without the prior written consent of the Director-General.</p>

D Section continued	
ARTICLE NO.	PROVISIONS
	(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.
16	<p>(1) No person shall export any animal or bird or the carcase of any animal or bird except in accordance with —</p> <ol style="list-style-type: none"> a licence in that behalf issued by the Director-General; the conditions of that licence (if any); and such other conditions as may be prescribed. <p>(2) A licence to export any animal or bird or the carcase of any animal or bird may be issued upon an application made in the prescribed form to the Director-General and upon the payment of such fees as may be prescribed.</p> <p>(3) Any person exporting any animal or bird or the carcase of any animal or bird in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.</p>
48	<p>Animals and birds not to be kept in captivity for sale, export or exhibition without licence</p> <p>(1) No person shall keep in captivity for sale, export or exhibition any animal or bird in any place which has not been licensed in that behalf under this Act.</p> <p>(2) Any person who contravenes subsection (1) shall be guilty of an offence «and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.</p>

3.5 CATEGORIES OF WILDLIFE

A *Endangered Species (Import and Export) Act Chapter 92A*

AGENCY	Agri-food and veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
Schedule Species	<p>Interpretation of the Appendices</p> <p>(1) Appendix I includes all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species shall be subject to particularly strict regulation in order not to endanger further their survival and shall only be authorised in exceptional circumstances.</p> <p>(2) Appendix II includes —</p> <ol style="list-style-type: none"> all species which may become threatened with extinction unless trade in specimens of such species is subject to strict regulation in order to avoid utilisation incompatible with their survival; and other species which are subject to regulation in order that trade in specimens of certain species referred to in subparagraph (a) may be brought under effective control. <p>(3) Appendix III includes all species which any contracting State or Party to CITES (also referred to in this Schedule as the Convention) identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade.</p>

3.6 MECHANISM FOR REVIEW AND UPDATE OF PROTECTED SPECIES LIST

A *Endangered Species (Import and Export) Act, Chapter 92A*

AGENCY	Agri-food and veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
28	The Minister may, by notification published in the Gazette, add to, alter or amend the Schedule.

B Wild Animals and Birds Act, Chapter 351	
AGENCY	Agri-food and veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
5	<p>Penalty for killing or keeping wild animals or birds without licence</p> <p>(1) Any person who kills, takes or keeps any wild animal or bird, other than those specified in the Schedule, without a licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to the forfeiture of the wild animal or bird.</p> <p>(2) The Minister may, from time to time, by notification in the Gazette, add to, alter or amend the Schedule.</p>

3.7 HUNTING OF WILDLIFE

A Wild Animals and Birds Act, Chapter 351	
AGENCY	Agri-food and veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
7	<p>Power to issue licences</p> <p>(1) The Director-General or the Commissioner of Police may issue licences for the purpose of shooting or taking any wild animal or bird.</p> <p>(2) Any licence issued under subsection (1) shall —</p> <ol style="list-style-type: none"> state the name of the person who has been so authorised; specify the period, which shall not exceed 3 months, during which the licence shall be valid; and specify the place at which that person may shoot or take any animal or bird specified in the licence.

3.8 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE

A Endangered Species (Import and Export) Act, Chapter 92A	
AGENCY	Agri-food and veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
4	<p>(1) Any person who imports, exports, re-exports or introduces from the sea any scheduled species without a permit shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each such scheduled species (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.</p> <p>(2) Any person who has in his possession or under his control, or who sells, offers or exposes or advertises for sale, or displays to the public any scheduled species which has been imported or introduced from the sea in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each such scheduled species (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.</p> <p>(3) Any person who sells, offers or exposes or advertises for sale, or displays to the public such scheduled species as the Minister may, by notification in the Gazette, specify shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 for each such scheduled species (but not to exceed in the aggregate \$100,000) or to imprisonment for a term not exceeding 12 months or to both.</p>
5	<p>Every scheduled species in transit in Singapore shall be accompanied by —</p> <ol style="list-style-type: none"> a valid CITES export or re-export permit, licence, certificate or written permission issued by the competent authority of the country of export or re-export, as the case may be, of the scheduled species; and

A Endangered Species (Import and Export) Act, Chapter 92A (continued)

ARTICLE NO.	PROVISIONS
	<p>b. where required by the country of import or final destination of the scheduled species, a valid CITES import permit, licence, certificate or written permission issued by the competent authority of that country or destination.</p> <p>(2) Any owner, importer, exporter or re-exporter who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each scheduled species in transit in Singapore in contravention of that subsection (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.</p>

B Wild Animal and Birds Act, Chapter 351

AGENCY	Agri-food and veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
10	<p>(1) No person shall import into Singapore any wild animal or bird whether alive or dead, or any part thereof, except under a written authorisation either general or special signed by or on behalf of the Director General and within the terms of such authorisation.</p> <p>(2) Nothing in subsection (1) shall be deemed to prohibit the importation into Singapore of any wild animal or bird in cold storage to be used for food where the importer can show that the animal or bird was killed outside Malaysia, Burma, Kampuchea, Indonesia, Laos, Vietnam or Thailand.</p> <p>(3) Any person who imports or attempts to import into or exports or attempts to export from Singapore any wild animal or bird or part thereof —</p> <p>a. without an authorisation under subsection (1); or</p> <p>b. in contravention of the terms of such authorisation, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 in respect of each such wild animal or bird or any part thereof.</p>

C Control of Plants Act, Chapter 57A

AGENCY	Agri-food and veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
28	<p>Minister may prohibit export of plants</p> <p>(1) The Minister may by order prohibit, either absolutely or subject to such conditions as may be specified in the order, the export of any plant from Singapore to any country, territory or place.</p> <p>(2) An order under subsection (1) may specify that no person shall export any plant except under and in accordance with a permit issued by the Director-General.</p>
34	<p>Penalty</p> <p>Any person who —</p> <p>contravenes or fails to comply with section 10, 11(1) and (2), 22(2) or 41; or</p> <p>contravenes or fails to comply with any order made by the Minister under section 17(1) or 28(1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.</p>

D Control of Plants (Plant Importation) Rules, 1994, revised in 2000	
AGENCY	Agri-food and veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
4	<p>Imported plant, plant product or material to be free of quarantine pests</p> <p>Any person who imports any plant, plant product or material shall ensure that the plant, plant product or material and the container or any other package thereof is free of any quarantine pest.</p>
5(1)	<p>Importation of regulated plant, regulated plant product or regulated material</p> <p>(1) Subject to rule 5A, no person shall import any regulated plant, regulated plant product or regulated material except under a permit issued by the Director-General.</p>
17	<p>Offences</p> <p>(1) Any person who contravenes or fails to comply with —</p> <ol style="list-style-type: none"> a. rule 4 or 5 (1); b. any of the terms and conditions of any permit issued to him under these Rules; or c. any direction given to him under these Rules by the Director-General or an authorised officer, <p>shall be guilty of an offence.</p> <p>(2) Any person who imports any consignment of regulated plants, regulated plant products or regulated materials —</p> <ol style="list-style-type: none"> a. without a phytosanitary certificate or other certificate or document or mark required under rule 5(4); or b. with a phytosanitary certificate or other certificate or document or mark required under rule 5(4) that does not comply with rule 5 (5) and (6), <p>shall be guilty of an offence.</p>
18	<p>Offences</p> <p>Any person who contravenes or fails to comply with —</p> <ol style="list-style-type: none"> a. rule 4 or 5 (1); b. any of the terms and conditions of any permit issued to him under these Rules; or c. any direction given to him under these Rules by the Director-General or an authorised officer, <p>shall be guilty of an offence.</p> <p>(2) Any person who imports any consignment of regulated plants, regulated plant products or regulated materials —</p> <ol style="list-style-type: none"> a. without a phytosanitary certificate or other certificate or document or mark required under rule 5(4); or b. with a phytosanitary certificate or other certificate or document or mark required under rule 5 (4) that does not comply with rule 5 (5) and (6), <p>shall be guilty of an offence.</p>
E Fisheries Act, Chapter 111	
AGENCY	Agri-food and veterinary Authority of Singapore
ARTICLE NO.	PROVISIONS
11	<p>Landing or selling fish illegally caught</p> <p>Any person who lands or sells fish caught by methods prohibited, or within areas prohibited, by this Act shall be guilty of an offence.</p>

F Wholesome Meat and Fish Act, Chapter 349A

AGENCY Agri-food and veterinary Authority of Singapore

ARTICLE NO. PROVISIONS

5 Prohibition of import, export or transhipment of meat products or fish products without licence

(1) No person shall import, export or tranship any meat product or fish product except under and in accordance with the conditions of a licence granted by the Director-General under this Part.

(2) Any person who —

a. imports, exports or tranships any meat product or fish product without a licence; or

b. fails to comply with any of the conditions of his licence,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

6 Prohibition of import, export or transhipment of meat products or fish products without permit

(1) No licensee shall import any meat product or fish product for sale, supply or distribution in Singapore unless —

a. the licensee has obtained a permit from the Director-General in respect of each consignment of meat products or fish products to be imported by him and the import of each such consignment is carried out in accordance with the conditions of the permit;

b. the whole consignment conforms to the description as contained in the permit;

c. the whole consignment meets with the prescribed standards; and

d. the meat products or fish products constituting the consignment are packaged and labelled in the prescribed manner.

(2) No licensee shall export any meat product or fish product from Singapore to any country, territory or place unless —

a. the licensee has obtained a permit from the Director-General in respect of each consignment of meat products or fish products to be exported by him and the export of each such consignment is carried out in accordance with the conditions of the permit;

b. the whole consignment to be exported conforms to the description as contained in the permit;

c. in the case of a consignment of meat products, the whole consignment has been derived from animals which have been slaughtered in slaughter-houses licensed under this Act or from meat products which have been imported in accordance with this Act;

d. the whole consignment has been processed in a processing establishment licensed under this Act;

e. in the case of a consignment which requires to be stored in a cold store, the cold store in which the consignment has been or is being stored is licensed under this Act;

f. the licensee provides the Director-General with satisfactory evidence that the whole consignment meets with the requirements of the country to which it is being exported; and

g. the meat products or fish products constituting the consignment are packaged and labelled in the prescribed manner.

(3) No licensee shall tranship any meat product or fish product in Singapore unless the licensee has obtained a permit from the Director-General in respect of each consignment of meat products or fish products to be transhipped by him and the transhipment is carried out in accordance with the conditions of the permit.

(4) Any licensee who contravenes or fails to comply with subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

F Section continued	
ARTICLE NO.	PROVISIONS
	<p>(5) Subject to subsection (6), in any proceedings for an offence under subsection (4), it shall be a defence for the person charged to prove —</p> <p>a. that the commission of the offence was due to the act or default of another person or to some other cause beyond his control; and</p> <p>b. that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or by any person under his control.</p> <p>(6) If in any case the defence provided by subsection (5) involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person.</p> <p>(7) In this section, "licensee" means any person who has obtained a licence as required under section 5 for the import, export or transhipment of any meat product or fish product.</p>

G Animals and Birds Act, Chapter 7 [as amended by the Animals and Birds (Amendment) Act No. 46 of 2014]	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
8	<p>No person to import or tranship any animal, bird or veterinary biologics without licence</p> <p>(1) Except as provided in any order made under section 7(1), no person shall import or tranship any animal, bird or veterinary biologics, except in accordance with a licence issued in that behalf by the Director-General and in accordance with the conditions (if any) of that licence and such other conditions as may be prescribed.</p> <p>(2) A licence to import or tranship any animal, bird or veterinary biologics under this Act may be obtained on an application made in the prescribed form to the Director-General and upon the payment of such fees as may be prescribed.</p> <p>(3) Any person importing or transshipping an animal, bird or veterinary biologics in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.</p>
9	<p>Importation or possession of noxious insects, pests or genetically modified organisms, etc.</p> <p>(1) No person shall knowingly import into Singapore or shall have in his possession any living noxious insect, or any living pest, or any living disease germ or virus or any bacterial culture, of a nature harmful or dangerous to animals or birds, or any genetically modified organism without the prior written consent of the Director-General.</p> <p>(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.</p>
16	<p>(1) No person shall export any animal or bird or the carcass of any animal or bird except in accordance with —</p> <p>a. a licence in that behalf issued by the Director-General;</p> <p>b. the conditions of that licence (if any); and</p> <p>c. such other conditions as may be prescribed.</p> <p>(2) A licence to export any animal or bird or the carcass of any animal or bird may be issued upon an application made in the prescribed form to the Director-General and upon the payment of such fees as may be prescribed.</p> <p>(3) Any person exporting any animal or bird or the carcass of any animal or bird in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.</p> <p>Animals and birds not to be kept in captivity for sale, export or exhibition without licence</p>

G Section continued	
ARTICLE NO.	PROVISIONS
48	<p>(1) No person shall keep in captivity for sale, export or exhibition any animal or bird in any place which has not been licensed in that behalf under this Act.</p> <p>(2) Any person who contravenes subsection (1) shall be guilty of an offence «and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.</p>

3.9 ILLEGAL POSSESSION OF PROTECTED WILDLIFE

A Endangered Species (Import and Export) Act [ESA], Chapter 92A

AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
4(2)	<p>(2) Any person who has in his possession or under his control, or who sells, offers or exposes or advertises for sale, or displays to the public any scheduled species which has been imported or introduced from the sea in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 for each such scheduled species (but not to exceed in the aggregate \$500,000) or to imprisonment for a term not exceeding 2 years or to both.</p>
29 (d)	<p>(1) The Minister may make rules —</p> <p>xxx</p> <p>d. authorising the sale or possession or control of or other dealing in scheduled species and prescribing the circumstances and conditions under which a person may be in possession or in control of or sell or otherwise deal with any scheduled species;</p>

B Wild Animal and Birds Act, Chapter 351

AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
5	<p>Any person who kills, takes or keeps any wild animal or bird, other than those specified in the Schedule, without a license shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to the forfeiture of the wild animal or bird</p>
8	<p>A person who —</p> <p>a. kills or takes or has in his possession the body of any wild animal or bird killed or taken in contravention of an order made under section 3 (a);</p> <p>b. takes, destroys or has in his possession the eggs of any wild bird during the time of the year which has been declared under section 3 (a) to be the time during which such a bird shall not be killed, or during the breeding season declared under section 3 (b) in respect of such a bird;</p> <p>c. kills or takes any wild animal or bird, the killing or taking of which is prohibited under the provisions of this Act;</p> <p>d. nets, snares or takes by means of any contrivance any wild animal or bird which has been prohibited under section 3 (d) from netting, snaring or taking by means of any contrivance; or</p> <p>e. exposes or offers for sale or exports any wild animal or bird other than those specified in the Schedule or the skin or plumage of any such wild animal or bird, unless he can show that the animal or bird was lawfully killed or taken, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to the forfeiture of the wild animal or bird.</p>

3.10 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A *Endangered Species (Import and Export) Act [ESA], Chapter 92A*

AGENCY Agri-food and Veterinary Authority of Singapore

ARTICLE NO **PROVISIONS**

11	<p>Power of entry, search and seizure</p> <p>(1) An authorised officer may —</p> <ol style="list-style-type: none"> a. without warrant enter and search any premises and stop, board and search any conveyance in or on which he reasonably suspects that there is to be found any scheduled species in contravention of this Act; b. search any person found in such premises or conveyance; and seize, remove and detain at the risk of the owner any scheduled species and all other items referred to c. in subsection (3)(b), (c) and (d) found in such premises or conveyance. <p>(2) For the purpose of exercising his power under this Act, an authorised officer may, with such assistance as he thinks necessary, break open any door, window, lock, fastener, compartment, box, container or any other thing.</p> <p>(3) An authorised officer may seize, remove and detain at the risk of the owner —</p> <ol style="list-style-type: none"> a. any scheduled species liable to seizure; b. any receptacle in which the scheduled species which is seized is contained, together with any handling or other device used for or in connection with such scheduled species; c. any thing which appears to him to be or to contain evidence that an offence under section 4 or 5 has been committed; or d. any food or drink accompanying an animal which is seized, and, in the case of any food or drink so seized which is perishable, the Director-General may cause the same to be sold or otherwise disposed of immediately. <p>(4) For the purposes of this section, any animal or plant is liable to seizure if an authorised officer has reason to suspect that it is a scheduled species —</p> <ol style="list-style-type: none"> a. which is being or has been imported, exported, re-exported or introduced from the sea in contravention of section 4(1); b. which is possessed by or under the control of or being sold or offered or exposed or advertised for sale, or being displayed in contravention of section 4(2); c. which is being sold or offered or exposed or advertised for sale, or being displayed in contravention of section 4(3); or d. which is in transit in Singapore in contravention of section 5(1).(e)
15	<p>Forfeiture</p> <p>(1) Upon the conviction of any person for an offence under section 4 or 5, the scheduled species in respect of which the offence was committed and any other thing seized under section 11(3)(b), (c) or (d) shall, without further order, be forfeited to the Director-General.</p> <p>(2) Where a person who is prosecuted for an offence under section 4 or 5 is acquitted or given a discharge, conditional or otherwise, the court may order the scheduled species in respect of which the prosecution was brought and any other thing seized under section 11(3)(b), (c) or (d) —</p> <ol style="list-style-type: none"> a. to be released to the person from whom they were seized or to the owner thereof; or b. to be forfeited to the Director-General. <p>(3) Where the owner, importer, exporter or re-exporter of the scheduled species cannot be ascertained or where he is outside Singapore, the Director-General may forfeit the scheduled species and any other thing seized under this Act.</p> <p>(4) The Director-General shall, before forfeiting any scheduled species or thing under subsection (3), give to the person from whom the scheduled species or thing was seized notice of his intention to do so on the expiration of 7 days of the date of such notice.</p>

A Section continued

ARTICLE NO	PROVISIONS
	<p>(5) Where the scheduled species and other things to be forfeited are live animals, the Director-General shall not be required to give any notice under subsection (4).</p> <p>(6) All scheduled species and other things which are forfeited to the Director-General under this Act shall be disposed of in such manner as the Director-General thinks fit, including repatriation under subsection (10) if the Director-General so decides.</p> <p>(7) Except as provided in subsection (8), any expenses incurred by the Director-General or any authorised officer for the detention, confiscation, storage, maintenance, housing, repatriation, transport and disposal of any scheduled species shall be charged against the owner, importer, exporter or re-exporter, as the case may be, of the scheduled species.</p> <p>(8) Subject to subsection (10), if any scheduled species enters Singapore by any conveyance contrary to this Act, the owner and the importer of the scheduled species shall be jointly and severally liable for all expenses incurred by the Director-General or any authorised officer in respect of the detention, confiscation, storage, maintenance, housing, repatriation, transport and disposal of the scheduled species.</p> <p>(9) If the sum charged under subsection (7) or (8) is not paid by the owner, importer, exporter or re-exporter, as the case may be, within 14 days after demand, that sum may be reported to a Magistrate's Court or a District Court and recovered in the same manner as if it were a fine imposed by a Magistrate's Court or a District Court, as the case may be.</p> <p>(10) When a decision of repatriation is made under this Act in respect of any scheduled species which has been imported or introduced into Singapore in contravention of this Act, and the scheduled species was brought into Singapore in a conveyance, the owner of the conveyance shall, if required in writing by the Director-General, provide or be responsible for —</p> <ol style="list-style-type: none">free passage for the return of the scheduled species to the place at which the scheduled species was shipped to Singapore, or to any other port or place designated by the Director-General; andproper maintenance and housing of the scheduled species during the voyage, flight or journey. <p>(11) No person shall be liable under subsection (10) unless the decision of repatriation has been made by the Director-General within —</p> <ol style="list-style-type: none">12 months from the date on which the scheduled species was imported or introduced into Singapore; or6 months from the date proceedings for the offence in connection with such importation or introduction into Singapore are concluded or from the date the offence is compounded, whichever is the later. <p>(12) Any person who contravenes subsection (10) shall be guilty of an offence.</p>

B Wild Animal and Birds Act, Chapter 351

AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
5	Any person who kills, takes or keeps any wild animal or bird, other than those specified in the Schedule, without a license shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to the forfeiture of the wild animal or bird
8	A person who — <ol style="list-style-type: none">kills or takes or has in his possession the body of any wild animal or bird killed or taken in contravention of an order made under section 3 (a);takes, destroys or has in his possession the eggs of any wild bird during the time of the year which has been declared under section 3 (a) to be the time during which such a bird shall not be killed, or during the breeding season declared under section 3 (b) in respect of such a bird;kills or takes any wild animal or bird, the killing or taking of which is prohibited under the provisions of this Act;

B Section continued	
ARTICLE NO.	PROVISIONS
	<p>d. nets, snares or takes by means of any contrivance any wild animal or bird which has been prohibited under section 3 (d) from netting, snaring or taking by means of any contrivance; or</p> <p>e. exposes or offers for sale or exports any wild animal or bird other than those specified in the Schedule or the skin or plumage of any such wild animal or bird, unless he can show that the animal or bird was lawfully killed or taken, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to the forfeiture of the wild animal or bird.</p>

C Fisheries Act Chapter 111	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
12	<p>Use of trawl-nets</p> <p>(1) No person shall use, operate or assist in the operation of a trawl-net in the territorial waters of Singapore.</p> <p>(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term of not less than 3 months and not exceeding 3 years.</p> <p>(3) Where it is proved to the satisfaction of a court that any vessel, net, instrument or appliance has been —</p> <p>a. used in the commission of an offence under subsection (1); and</p> <p>b. seized by an authorised officer or police officer, the court shall, on the written application of the Public Prosecutor, make an order for the forfeiture of the vessel, net, instrument or appliance, notwithstanding that no person may have been convicted of the offence.</p>
14	<p>Forfeiture</p> <p>Any vessel, vehicle, fishing stake, net, instrument or appliance used in the commission of any offence under this Act and any fish caught or found, or any processed fish found in contravention of the provisions of this Act may be forfeited to the Director-General and, if so forfeited, shall be disposed of in such manner as the Director-General may direct.</p>
16	<p>Confiscation of vessel, etc.</p> <p>(1) A Magistrate may order the confiscation of any vessel, vehicle, fishing stake, net, instrument or appliance used in the commission of any offence.</p> <p>(2) A Magistrate may order the removal and destruction of any offending fishing stakes or part thereof, and any costs incurred in effecting their removal and destruction shall be borne by the owner of the fishing stakes.</p>

D Control of Plants Act Chapter 57A, 1993, revised in 2000	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
42	<p>Forfeiture</p> <p>(1) Where any person is convicted of any offence under this Act or any rules made thereunder, the court may order that any article seized under this Act or any rules made thereunder or in respect of which the offence was committed, be forfeited to the Authority.</p> <p>(2) Where a person who is charged for an offence under this Act or any rules made thereunder is acquitted, the court may order any article seized under this Act or any rules made thereunder to be released to the person from whom the article was seized.</p> <p>(3) Where the owner of the article cannot be ascertained, the Authority may confiscate the article seized.</p> <p>(4) Every article so forfeited to the Authority shall be disposed of in such manner as the Authority thinks fit.</p>

E Control of Plants (Plant Importation) Rules, 1994, revised in 2000	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
19	<p>Forfeiture of consignment, etc., upon conviction</p> <p>Where any person is convicted of an offence under these Rules, the court may order that any conveyance containing or any consignment of, plants or plant products and any container, packaging material, receptacle or other article or material to which the offence relates shall be forfeited to the Government and disposed of in such manner as the Director-General thinks fit.</p>

3.11 SALE OF CONFISCATED SPECIMENS

A Fisheries Act Chapter 111	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
15	<p>Sale of fish pending result of prosecution</p> <p>(1) Any fish seized by an authorised officer or police officer in accordance with the provisions of this Act may be sold immediately.</p> <p>(2) The proceeds of sale under subsection (1) shall be held to abide the result of any prosecution or claim.</p> <p>(3) Where there is no prosecution or claim, the proceeds of sale shall be paid to the person from whom the fish was seized and if that person cannot be ascertained, the proceeds of sale shall be paid to the Authority.</p>

3.12 HANDLING PROCEDURE FOR LIVE AND DEAD CONFISCATED SPECIMEN

A Endangered Species (Import and Export) Act [ESA], Chapter 92A	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
15	<p>Forfeiture</p> <p>XXX</p> <p>(5) Where the scheduled species and other things to be forfeited are live animals, the Director-General shall not be required to give any notice under subsection (4).</p> <p>(6) All scheduled species and other things which are forfeited to the Director-General under this Act shall be disposed of in such manner as the Director-General thinks fit, including repatriation under subsection (10) if the Director-General so decides.</p> <p>XXX</p> <p>(8) Subject to subsection (10), if any scheduled species enters Singapore by any conveyance contrary to this Act, the owner and the importer of the scheduled species shall be jointly and severally liable for all expenses incurred by the Director-General or any authorized officer in respect of the detention, confiscation, storage, maintenance, housing, repatriation, transport and disposal of the scheduled species.</p>

3.13 REPATRIATION OF CONFISCATED SPECIMEN

A Endangered Species (Import and Export) Act [ESA], Chapter 92A	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
15	<p>Forfeiture</p> <p>XXX</p> <p>(6) All scheduled species and other things which are forfeited to the Director-General under this Act shall be disposed of in such manner as the Director-General thinks fit, including repatriation under subsection (10) if the Director-General so decides.</p>

A Section continued

ARTICLE NO.	PROVISION
	<p>(7) Except as provided in subsection (8), any expenses incurred by the Director-General or any authorised officer for the detention, confiscation, storage, maintenance, housing, repatriation, transport and disposal of any scheduled species shall be charged against the owner, importer, exporter or re-exporter, as the case may be, of the scheduled species.</p> <p>(8) Subject to subsection (10), if any scheduled species enters Singapore by any conveyance contrary to this Act, the owner and the importer of the scheduled species shall be jointly and severally liable for all expenses incurred by the Director-General or any authorised officer in respect of the detention, confiscation, storage, maintenance, housing, repatriation, transport and disposal of the scheduled species.</p> <p>(9) If the sum charged under subsection (7) or (8) is not paid by the owner, importer, exporter or re-exporter, as the case may be, within 14 days after demand, that sum may be reported to a Magistrate's Court or a District Court and recovered in the same manner as if it were a fine imposed by a Magistrate's Court or a District Court, as the case may be.</p> <p>(10) When a decision of repatriation is made under this Act in respect of any scheduled species which has been imported or introduced into Singapore in contravention of this Act, and the scheduled species was brought into Singapore in a conveyance, the owner of the conveyance shall, if required in writing by the Director-General, provide or be responsible for —</p> <ol style="list-style-type: none"> free passage for the return of the scheduled species to the place at which the scheduled species was shipped to Singapore, or to any other port or place designated by the Director-General; and proper maintenance and housing of the scheduled species during the voyage, flight or journey. <p>(11) No person shall be liable under subsection (10) unless the decision of repatriation has been made by the Director-General within —</p> <ol style="list-style-type: none"> 12 months from the date on which the scheduled species was imported or introduced into Singapore; or 6 months from the date proceedings for the offence in connection with such importation or introduction into Singapore are concluded or from the date the offence is compounded, whichever is the later. <p>(12) Any person who contravenes subsection (10) shall be guilty of an offence.</p>

3.14 DISPOSAL OF CONFISCATED SPECIMEN

A *Endangered Species (Import and Export) Act [ESA], Chapter 92A*

AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
15	<p>Forfeiture XXX</p> <p>(2) Where a person who is prosecuted for an offence under section 4 or 5 is acquitted or given a discharge, conditional or otherwise, the court may order the scheduled species in respect of which the prosecution was brought and any other thing seized under section 11(3)(b), (c) or (d) —</p> <ol style="list-style-type: none"> to be released to the person from whom they were seized or to the owner thereof; or to be forfeited to the Director-General. <p>(3) Where the owner, importer, exporter or re-exporter of the scheduled species cannot be ascertained or where he is outside Singapore, the Director-General may forfeit the scheduled species and any other thing seized under this Act.</p> <p>(4) The Director-General shall, before forfeiting any scheduled species or thing under subsection (3), give to the person from whom the scheduled species or thing was seized notice of his intention to do so on the expiration of 7 days of the date of such notice.</p> <p>(5) Where the scheduled species and other things to be forfeited are live animals, the Director-General shall not be required to give any notice under subsection (4).</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	(6) All scheduled species and other things which are forfeited to the Director-General under this Act shall be disposed of in such manner as the Director-General thinks fit, including repatriation under subsection (10) if the Director-General so decides.

B Fisheries Act Chapter 111	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
15	<p>Sale of fish pending result of prosecution</p> <p>(1) Any fish seized by an authorised officer or police officer in accordance with the provisions of this Act may be sold immediately.</p> <p>(2) The proceeds of sale under subsection (1) shall be held to abide the result of any prosecution or claim.</p> <p>(3) Where there is no prosecution or claim, the proceeds of sale shall be paid to the person from whom the fish was seized and if that person cannot be ascertained, the proceeds of sale shall be paid to the Authority.</p>

3.15 COMPENSATION FOR VICTIMS/ REHABILITATION/ COSTS OF REPATRIATION OF SEIZED WILDLIFE

A Endangered Species (Import and Export) Act [ESA], Chapter 92A	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
15	<p>Forfeiture</p> <p>(8) Subject to subsection (10), if any scheduled species enters Singapore by any conveyance contrary to this Act, the owner and the importer of the scheduled species shall be jointly and severally liable for all expenses incurred by the Director-General or any authorised officer in respect of the detention, confiscation, storage, maintenance, housing, repatriation, transport and disposal of the scheduled species.</p> <p>(9) If the sum charged under subsection (7) or (8) is not paid by the owner, importer, exporter or re-exporter, as the case may be, within 14 days after demand, that sum may be reported to a Magistrate's Court or a District Court and recovered in the same manner as if it were a fine imposed by a Magistrate's Court or a District Court, as the case may be.</p> <p>(10) When a decision of repatriation is made under this Act in respect of any scheduled species which has been imported or introduced into Singapore in contravention of this Act, and the scheduled species was brought into Singapore in a conveyance, the owner of the conveyance shall, if required in writing by the Director-General, provide or be responsible for —</p> <ol style="list-style-type: none"> a. free passage for the return of the scheduled species to the place at which the scheduled species was shipped to Singapore, or to any other port or place designated by the Director-General; and b. proper maintenance and housing of the scheduled species during the voyage, flight or journey. <p>(11) No person shall be liable under subsection (10) unless the decision of repatriation has been made by the Director-General within —</p> <ol style="list-style-type: none"> a. 12 months from the date on which the scheduled species was imported or introduced into Singapore; or b. 6 months from the date proceedings for the offence in connection with such importation or introduction into Singapore are concluded or from the date the offence is compounded, whichever is the later. <p>(12) Any person who contravenes subsection (10) shall be guilty of an offence.</p>

B Parks and Trees Act Chapter 216	
AGENCY	National Park Board
ARTICLE NO	PROVISIONS
47	<p>Recovery of costs</p> <p>(1) Where in any court proceedings against any person for an offence under this Act which relates to any damaged or destroyed property which is —</p> <ol style="list-style-type: none"> a. owned by the Government or the Board; b. maintained or managed by the Board; or c. under the management or control of the Commissioner under this Act, the court before which the person is convicted of the offence may, in addition to passing any sentence for that offence, make an order requiring that person to pay to the Government or the Board, as the case may be, a sum of money to be fixed by the court which, in the opinion of the court, represents the value (including any intrinsic value) of the damaged or destroyed property. <p>(2) The court may, in its discretion, allow time for the payment of the sum of money under subsection (1) and grant extension of the time so allowed, or direct payment of that sum to be made by instalments.</p>
48	<p>Compensation, damages, fees, costs and expenses to be determined by Magistrate's Court or District Court</p> <p>(1) Except as otherwise provided, in all cases where compensation, damages, fees, costs or expenses are provided under this Act to be paid, the amount and, if necessary, the apportionment of the amount and any question of liability shall, in case of dispute, or failure to pay, be summarily ascertained and determined by a Magistrate's Court or, if the amount claimed exceeds the Magistrate's Court limit, by a District Court.</p> <p>(2) If the amount of compensation, damages, fees, costs or expenses is not paid by the party liable to pay it within 7 days after demand, that amount may be reported to a Magistrate's Court or District Court and recovered in the same way as if it were a fine imposed by a Magistrate's Court or a District Court.</p> <p>(3) An appeal shall lie to the High Court from any decision of a Magistrate's Court or a District Court under this section, and the provisions of the Criminal Procedure Code (Cap. 68) shall apply, with the necessary modifications, to all such appeals.</p>

3.16 REWARD FOR INFORMANTS

A Wild Animals and Birds Act Chapter 351	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
13	<p>Reward to informer</p> <p>The court may direct any fine or any portion of any fine imposed or levied under this Act to be paid to the informer.</p>

B Animals and Birds Act, Chapter 7 [as amended by the Animals and Birds (Amendment) Act No. 46 of 2014]	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
47	<p>Award to informer</p> <p>The court before which any person is convicted of an offence under this Part may direct any fine or portion of any fine imposed and levied under this Act to be paid to the informer.</p>

3.17 ENFORCEMENT POWERS – ENTRY, SEARCH, SEIZURE, ARREST, CONFISCATION

A *Endangered Species (Import and Export) Act [ESA], Chapter 92A*

AGENCY Agri-food and Veterinary Authority of Singapore

ARTICLE NO PROVISIONS

11	<p>Power of entry, search and seizure</p> <p>(1) An authorised officer may —</p> <p>a. without warrant enter and search any premises and stop, board and search any conveyance in or on which he reasonably suspects that there is to be found any scheduled species in contravention of this Act;</p> <p>b. search any person found in such premises or conveyance; and seize, remove and detain at the risk of the owner any scheduled species and all other items referred to in subsection (3)(b), (c) and (d) found in such premises or conveyance.</p> <p>(2) For the purpose of exercising his power under this Act, an authorised officer may, with such assistance as he thinks necessary, break open any door, window, lock, fastener, compartment, box, container or any other thing.</p> <p>(3) An authorised officer may seize, remove and detain at the risk of the owner —</p> <p>e. any scheduled species liable to seizure;</p> <p>f. any receptacle in which the scheduled species which is seized is contained, together with any handling or other device used for or in connection with such scheduled species;</p> <p>g. any thing which appears to him to be or to contain evidence that an offence under section 4 or 5 has been committed; or</p> <p>h. any food or drink accompanying an animal which is seized, and, in the case of any food or drink so seized which is perishable, the Director-General may cause the same to be sold or otherwise disposed of immediately.</p> <p>(4) For the purposes of this section, any animal or plant is liable to seizure if an authorised officer has reason to suspect that it is a scheduled species —</p> <p>e. which is being or has been imported, exported, re-exported or introduced from the sea in contravention of section 4(1);</p> <p>f. which is possessed by or under the control of or being sold or offered or exposed or advertised for sale, or being displayed in contravention of section 4(2);</p> <p>g. which is being sold or offered or exposed or advertised for sale, or being displayed in contravention of section 4(3); or</p> <p>h. which is in transit in Singapore in contravention of section 5(1).</p>
12	<p>Powers ancillary to inspections and searches</p> <p>(1) For the purpose of carrying out an inspection under section 9 or a search under section 11, an authorised officer may stop a conveyance or direct that it be moved to a place where the inspection or search may be carried out.</p> <p>(2) Any item (including any sample thereof) taken under section 9, or any animal, plant or item seized under section 11(1)(c) or (3), may be kept or stored in the premises or conveyance where it was taken or seized, as the case may be, or may, at the direction of the Director-General or an authorised officer, be removed to any other place to be kept or stored thereat.</p> <p>(3) The Director-General or an authorised officer may subject any animal, plant or item referred to in subsection (2) to such examination or analysis as he may consider necessary for the purposes of the administration of this Act.</p> <p>(4) No compensation shall be payable in respect of any animal, plant or item which is damaged or otherwise destroyed by virtue of any examination or analysis under subsection (3), unless such damage or destruction is directly attributable to the negligence or default of the Director-General or the authorised officer.</p> <p>(5) The Director-General or an authorised officer may mark, seal or label any animal, plant or item referred to in subsection (2) in such manner as he thinks fit and may lock or seal the premises, conveyance or other place in which it is being kept or stored.</p>

A Section continued	
ARTICLE NO	PROVISIONS
	<p>(6) Any person who, without the authority of the Director-General or an authorised officer —</p> <ul style="list-style-type: none"> b. interferes or tampers with, removes, distributes, sells or otherwise disposes of any animal, plant or item referred to in subsection (2); c. opens, breaks or otherwise tampers with the lock or seal placed by the Director-General or an authorised officer on any premises or conveyance or part thereof under subsection (5); or d. alters, counterfeits, defaces, destroys, erases or removes any mark, seal or label placed by the Director-General or an authorised officer on any animal, plant or item under subsection (5), <p>shall be guilty of an offence.</p>
13	<p>Power to require scheduled species to be marked, etc.</p> <p>(1) The Director-General may require any owner, importer, exporter or re-exporter of scheduled species to brand, label or otherwise mark such scheduled species to the satisfaction of the Director-General.</p> <p>(2) Notwithstanding subsection (1), the Director-General may brand, label or mark any such scheduled species.</p> <p>(3) Any person who contravenes any requirement of the Director-General under subsection (1) shall be guilty of an offence.</p> <p>(4) Any person who alters, counterfeits, defaces, destroys, erases or removes any brand, label or mark referred to in subsection (1) or (2) without the prior approval of the Director-General shall be guilty of an offence.</p> <p>(5) In this section, a reference to the labelling or marking of scheduled species includes a reference to the following:</p> <ul style="list-style-type: none"> a. in the case of a plant— <ul style="list-style-type: none"> (i) the labelling or marking of a container in which the plant is kept or in which the plant is growing; or (ii) the placement of a label or tag on the plant; and b. in the case of an animal — <ul style="list-style-type: none"> (i) the implantation of a scannable device in the animal; (ii) the placement of a band on any part of the animal; (iii) the placement (whether by piercing or otherwise) of a tag, tattoo or ring on any part of the animal; or (iv) the labelling or marking of a container in which the animal is kept.
14	<p>Power of arrest</p> <p>(1) The Director-General or any authorised officer may arrest without warrant any person committing or attempting to commit or whom he reasonably suspects of being engaged in committing or attempting to commit any offence under this Act.</p> <p>(2) The Director-General or any authorised officer making an arrest without warrant shall, subject to subsection (3), without unnecessary delay bring the person arrested before a Magistrate's Court or a District Court.</p> <p>(3) No person who has been arrested by the Director-General or any authorised officer shall be released, except on his own bond or on bail or on the special order in writing of the Magistrate, the District Judge or the Director-General.</p>
15	<p>Forfeiture</p> <p>(1) Upon the conviction of any person for an offence under section 4 or 5, the scheduled species in respect of which the offence was committed and any other thing seized under section 11(3)(b), (c) or (d) shall, without further order, be forfeited to the Director-General.</p>

A Section continued

ARTICLE NO	PROVISIONS
	<p>(2) Where a person who is prosecuted for an offence under section 4 or 5 is acquitted or given a discharge, conditional or otherwise, the court may order the scheduled species in respect of which the prosecution was brought and any other thing seized under section 11(3)(b), (c) or (d) —</p> <ul style="list-style-type: none">a. to be released to the person from whom they were seized or to the owner thereof; orb. to be forfeited to the Director-General. <p>(3) Where the owner, importer, exporter or re-exporter of the scheduled species cannot be ascertained or where he is outside Singapore, the Director-General may forfeit the scheduled species and any other thing seized under this Act.</p> <p>(4) The Director-General shall, before forfeiting any scheduled species or thing under subsection (3), give to the person from whom the scheduled species or thing was seized notice of his intention to do so on the expiration of 7 days of the date of such notice.</p> <p>(5) Where the scheduled species and other things to be forfeited are live animals, the Director-General shall not be required to give any notice under subsection (4).</p> <p>(6) All scheduled species and other things which are forfeited to the Director-General under this Act shall be disposed of in such manner as the Director-General thinks fit, including repatriation under subsection (10) if the Director-General so decides.</p> <p>(7) Except as provided in subsection (8), any expenses incurred by the Director-General or any authorized officer for the detention, confiscation, storage, maintenance, housing, repatriation, transport and disposal of any scheduled species shall be charged against the owner, importer, exporter or re-exporter, as the case may be, of the scheduled species.</p> <p>(8) Subject to subsection (10), if any scheduled species enters Singapore by any conveyance contrary to this Act, the owner and the importer of the scheduled species shall be jointly and severally liable for all expenses incurred by the Director-General or any authorized officer in respect of the detention, confiscation, storage, maintenance, housing, repatriation, transport and disposal of the scheduled species.</p> <p>(9) If the sum charged under subsection (7) or (8) is not paid by the owner, importer, exporter or re-exporter, as the case may be, within 14 days after demand, that sum may be reported to a Magistrate's Court or a District Court and recovered in the same manner as if it were a fine imposed by a Magistrate's Court or a District Court, as the case may be.</p> <p>(10) When a decision of repatriation is made under this Act in respect of any scheduled species which has been imported or introduced into Singapore in contravention of this Act, and the scheduled species was brought into Singapore in a conveyance, the owner of the conveyance shall, if required in writing by the Director-General, provide or be responsible for —</p> <ul style="list-style-type: none">a. free passage for the return of the scheduled species to the place at which the scheduled species was shipped to Singapore, or to any other port or place designated by the Director-General; andb. proper maintenance and housing of the scheduled species during the voyage, flight or journey. <p>(11) No person shall be liable under subsection (10) unless the decision of repatriation has been made by the Director-General within —</p> <ul style="list-style-type: none">a. 12 months from the date on which the scheduled species was imported or introduced into Singapore; orb. 6 months from the date proceedings for the offence in connection with such importation or introduction into Singapore are concluded or from the date the offence is compounded, whichever is the later. <p>(12) Any person who contravenes subsection (10) shall be guilty of an offence.</p>
16	<p>Obstruction</p> <p>Any person who —</p> <ul style="list-style-type: none">b. obstructs or impedes the Director-General or any authorised officer in the execution of his duty under this Act; or

A Section continued	
ARTICLE NO	PROVISIONS
	<p>c. refuses or fails, without reasonable excuse, to produce or furnish such book, document, paper or information or render all necessary assistance as may be required or directed by the Director-General or an authorised officer,</p> <p>shall be guilty of an offence.</p>

B Wild Animals and Birds Act Chapter 351	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
Section 12	<p>Power to arrest without warrant</p> <p>(1) Any police officer, officer of customs or authorised officer may stop and arrest without warrant any person who within his view commits an offence under this Act or any order or rule made thereunder.</p> <p>(2) Such person shall not be arrested if he satisfies the police officer, officer of customs or authorised officer as to his name and residence in Singapore and that he does not intend to abscond.</p>

C Animals and Birds Act, Chapter 7 [as amended by the Animals and Birds (Amendment) Act No. 46 of 2014]	
AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
19	<p>Examination of animal or bird suspected of disease</p> <p>(1) If the Director-General or an authorised officer has reason to believe that any animal or bird may be infected with any disease, he may subject that animal or bird and any article or substance which has been in contact therewith to an examination.</p> <p>(2) For the purpose of this section —</p> <p>a. the Director-General or authorised officer may —</p> <p>(i) seize the animal or bird as well as the whole or any sample of any article or substance which has been in contact therewith and take them to the place of examination; or</p> <p>(ii) in writing direct the owner or person in charge of the animal or bird to deliver the animal or bird as well as the whole or any sample of any article or substance which has been in contact therewith to an authorised examiner at a specified place and time; and</p> <p>b. the authorised examiner carrying out the examination may take any substance from the animal or bird or destroy the animal or bird and conduct a post-mortem examination on its carcase, if that is the appropriate method by which he may, in accordance with accepted veterinary practice, determine whether the animal or bird has been infected with any particular disease.</p> <p>(3) No compensation shall be payable in respect of any animal or bird which has been destroyed under subsection (2)(b).</p> <p>(4) Any person who —</p> <p>a. fails without lawful excuse to comply with any written direction given to him under subsection (2)(a)(ii); or</p> <p>b. without the permission of the Director-General or an authorised officer removes any animal or bird from the place to which it has been delivered under subsection (2)(a)(ii), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.</p>
20	<p>(1) The Director-General or an authorised officer may require the immediate isolation or destruction of any animal or bird if —</p>

C Section continued

ARTICLE NO	PROVISIONS
	<ul style="list-style-type: none">a. the animal or bird is certified by an authorised examiner, upon any examination carried out under section 19, to be infected with disease;b. the Director-General or authorised officer has other reasonable cause for believing that the animal or bird is infected with disease; orc. the Director-General or authorised officer has reasonable cause for believing that the animal or bird —<ul style="list-style-type: none">(i) may have been in contact with another animal or bird which is infected with disease;(ii) may have been exposed to disease; or(iii) may perpetuate any disease. <p>(2) Any person who refuses or fails without lawful excuse to isolate or destroy any animal or bird when required to do so by the Director-General or an authorised officer under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.</p>
50	<p>Powers of search, etc.</p> <p>(1) For the purpose of ascertaining whether any animal or bird is suffering from disease or for the purpose of ascertaining whether any offence under this Act has been or is being committed —</p> <ul style="list-style-type: none">b. any authorised officer or police officer may enter and examine any land, building or premises on or in which he suspects any animal or bird is being kept for the purpose of examining the animal, bird, land, building or premises and the owner of the land, building, premises, animal or bird shall render the authorised officer or police officer all necessary assistance and furnish such information as may be required of him; andc. any authorised officer, police officer or officer of customs may stop, enter and examine any conveyance used for carrying animals. <p>(2) Any authorised officer, police officer or officer of customs acting under subsection (1) may, if the circumstances so warrant, with such assistance as he thinks necessary, remove anything obstructing his entry to the premises or conveyance or break open any door, window, lock, fastener, hold, compartment, box, container or any other thing.</p> <ul style="list-style-type: none">a. Any authorised officer, police officer or officer of customs acting under subsection(1) may take such photographs or audio or video recordings as necessary of any premises or conveyance referred to in that subsection (including anything in the premises or conveyance).b. Any authorised officer, police officer or officer of customs may stop and examine in any street or public place any animal in respect of which the officer has reason to believe that an offence under this Act has been or is being committed. <p>(3) No compensation shall be payable to any person in respect of any damage to his property caused or occasioned by any act authorised by subsection (2).</p> <p>(4) Any person in charge of a conveyance who does not stop when he is required to do so by any authorized officer, police officer or officer of customs under subsection (1)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.</p>
51	<p>Powers of seizure</p> <p>(1) Where any authorised officer or police officer has reason to believe that any offence under this Act has been or is being committed or where any officer of customs has reason to believe that an offence under this Act relating to importation or exportation has been or is being committed, the authorised officer, officer of customs or police officer may —</p> <ul style="list-style-type: none">a. seize any animal, bird, carcase or article, the subject-matter of such an offence;aa. seize any article or conveyance with which or by means of which, the offence is reasonably suspected to have been committed; andb. remove that animal, bird, carcase, article or conveyance to any compound, enclosure or other place selected by the authorised officer and there detain it.

C Section continued

ARTICLE NO	PROVISIONS
	<p>(2) Where any animal, bird, carcase, article or conveyance has been seized and detained under subsection (1), the authorised officer, officer of customs or police officer shall report the same to a Magistrate and the Magistrate may make such order for the further detention or release of the animal, bird, carcase, article or conveyance as he may think fit.</p> <p>(3) The owner of the animal, bird, carcase, article or conveyance shall pay such sum as the Magistrate may consider reasonable to cover the expenses connected with its removal to a place of detention and unless that sum is paid within a specified time the animal, bird, carcase, article or conveyance shall be forfeited.</p>
52	<p>Powers of arrest</p> <p>(1) An authorised officer, a police officer or an officer of customs may arrest without warrant any person whom the officer reasonably suspects of committing or attempting to commit an offence under this Act.</p> <p>a. The officer making an arrest under this section must not restrain the person arrested more than is necessary to prevent the person's escape.</p> <p>(2) Any authorised officer, officer of customs or police officer making an arrest without warrant shall, subject to subsection (3), without unnecessary delay bring the person arrested before a Magistrate's Court.</p> <p>a. A person who is arrested under this section must not be detained in custody for a period longer than is reasonable under the circumstances of the case, and such period must not exceed 48 hours (excluding the time necessary for the journey to a Magistrate's Court).</p> <p>(3) No person who has been arrested by any authorised officer, officer of customs or police officer shall be released, except on his own bond or on bail or on the special order in writing of the Magistrate or the Director- General.</p>
52a	<p>Powers of investigation</p> <p>(1) For the purposes of investigating any offence under this Act, an authorised officer, a police officer or an officer of customs may do all or any of the following:</p> <p>a. examine orally any person who appears to be material to the investigation—</p> <p>(i) whether before or after that person or anyone else is charged with an offence in connection with the case; and</p> <p>(ii) whether or not the person is to be called as a witness in any inquiry, trial or other proceeding in connection with the case;</p> <p>b. issue a written notice requiring any person within the limits of Singapore, who appears to be material to the investigation, to attend before the officer;</p> <p>c. require any person who is reasonably believed to have —</p> <p>(i) any information; or</p> <p>(ii) any document or article in the person's possession, custody or control, relevant to the investigation, to furnish that information, or produce that document or article.</p> <p>(2) Any person examined under this section shall be bound to state truly what the person knows of the facts and circumstances of the case, except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.</p> <p>(3) A statement made by any person examined under this section must —</p> <p>a. be reduced to writing;</p> <p>b. be read over to the person;</p> <p>c. if the person does not understand English, be interpreted for the person in a language that the person understands; and</p> <p>d. after correction (if necessary), be signed by the person.</p> <p>(4) If any person fails to comply with a written notice issued to the person by an authorised officer, a police officer or an officer of customs under subsection (1)(b), the officer may</p>

C Section continued

ARTICLE NO	PROVISIONS
	report such failure to a Magistrate who may then, in the Magistrate's discretion, issue a warrant ordering the person to comply with the written notice.
(5)	Subject to subsection (6), an authorised officer, a police officer or an officer of customs may take possession of, or any extract from or copy of, any document or article produced under subsection (1)(c) for further investigation.
(6)	Any thing taken possession of by an authorised officer, a police officer or an officer of customs under subsection (5)— a. must be placed in safe custody by the officer; and b. unless ordered otherwise by a court, may be retained by the officer until the completion of any proceedings (including proceedings on appeal) in which it may be evidence.
(7)	Any person who, without reasonable excuse, refuses or fails to comply with any notice issued to the person under subsection (1)(b) or with any requirement made of the person under subsection (1)(c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

D Fisheries Act Chapter 111

AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
23	<p>Powers of officers</p> <p>(1) Any authorised officer or police officer may without warrant —</p> <p>a. stop, search and detain any vessel or vehicle which he has reason to believe is being used for fishing or carrying fish or fishing materials contrary to the provisions of this Act and may seize that vessel or vehicle and any engine, fish, processed fish, fishing nets, instruments, fishing materials or other appliances found therein;</p> <p>b. search and examine any fishing stakes, nets, instruments, fishing materials or other appliances used in catching fish and effect the removal and destruction of any unlicensed fishing stakes;</p> <p>c. search, examine and investigate into the operation of any fish ponds;</p> <p>d. arrest any person found committing or attempting to commit or abetting the commission of an offence under this Act; and</p> <p>e. enter and search any place or premises in which he reasonably suspects that there is to be found any fish or fishing materials contrary to the provisions of this Act and may seize, remove or detain at the risk of the owner any engine, fish, processed fish, fishing nets, instruments, fishing materials or other appliances found in such place or premises.</p> <p>(2) For the purpose of exercising his power under this Act, any authorised officer or police officer may, with such assistance as he thinks necessary, break open any door, window, lock, fastener, compartment, box, container or other thing.</p>

E PARKS AND TREES ACT(CHAPTER 216)

AGENCY	National Parks Board
ARTICLE NO	PROVISIONS
39	<p>Power to require information in respect of contraventions</p> <p>(1) Where it appears to the Commissioner or any authorised officer that there may have been a contravention of any provision of this Act, he may serve an information notice to require any person who appears to him to be acquainted with the circumstances of the case to furnish him, within such time as may be specified in the notice, with information relating to that case in the possession or within the knowledge of that person.</p> <p>(2) An information notice under subsection (1) shall be complied with by giving the required information in writing to the Commissioner or authorised officer, as the case may be.</p>

E Section continued

ARTICLE NO	PROVISIONS
	<p>(3) Any person who fails to comply with any notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.</p> <p>(4) It shall be a defence for a person charged with an offence under subsection (3) to prove that he did not know and could not with reasonable diligence have ascertained, the information required in the information notice.</p> <p>(5) If any person —</p> <ol style="list-style-type: none">makes any statement purporting to comply with a requirement of an information notice which he knows to be false or misleading in a material particular; orrecklessly makes such a statement which is false or misleading in a material particular, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.
40	<p>Power of entry and to demand particulars of identity</p> <p>(1) The Commissioner or any authorised officer may, with such assistants and workmen as are necessary, at any reasonable time, enter upon any land for the purpose of —</p> <ol style="list-style-type: none">ascertaining whether there is, or has been, on or in connection with the premises, a contravention of this Act;ascertaining whether circumstances exist that would authorise the Commissioner to take any action or execute any works under this Act; ortaking any action or carrying out any works, authorised or required by this Act. <p>(2) The Commissioner or any authorised officer may take or cause to be taken any photograph of the premises and any property or material found thereon and such other steps as he may consider necessary without involving any search or seizure of any premises, thing or person.</p> <p>(3) The occupier of any premises shall, if required by the Commissioner or any authorised officer, as the case may be —</p> <ol style="list-style-type: none">give his name and address;provide proof of his identity; andgive the name and address of the owner of the premises, if known. <p>(4) Any person who —</p> <ol style="list-style-type: none">wilfully obstructs the Commissioner or any authorised officer in the performance of any matter or thing which he is authorised to do by this section; orupon being required by the Commissioner or any authorised officer to give his name and address or to furnish any particulars under subsection (3), refuses to do so or wilfully mis-states his name or address or furnishes false particulars, <p>shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.</p>
41	<p>Powers of arrest in certain circumstances</p> <p>(1) The Commissioner, an authorised officer or a police officer may arrest, without warrant, any person who has committed or whom he reasonably suspects to have committed an offence under this Act if —</p> <ol style="list-style-type: none">the person declines to give his name and address; orthere is reason to doubt the accuracy of the name and address, if given. <p>(2) A person arrested under this section may be detained until his name and address are correctly ascertained except that no person so arrested shall be detained longer than is permitted by written law and is necessary for bringing him before a court unless the order of a court for his detention is obtained.</p>
42	<p>Enforcement powers in national parks, nature reserves and public parks</p> <p>(1) The Commissioner, an authorised officer, a park ranger or a police officer may, without warrant, arrest any person within any national park, nature reserve or public park if that person, in contravention of this Act, fails or refuses to leave the national park, nature</p>

C Section continued

ARTICLE NO	PROVISIONS
	reserve or public park, as the case may be, or any part thereof, after being requested by the Commissioner, authorised officer, park ranger or police officer to do so.
(2)	A park ranger may, without warrant, arrest any person who has committed or whom he reasonably suspects to have committed an offence under this Act within a national park, nature reserve or public park if — a. the person declines to give his name and address; or b. there is reason to doubt the accuracy of the name and address, if given.
(3)	If the Commissioner, an authorised officer, a park ranger or a police officer has reason to believe that any offence has been committed under this Act within any national park, nature reserve or public park, he may inspect and search any baggage, equipment, package, container, tent, vehicle, boat, craft or place and seize any thing therein which he requires as evidence that any such offence has been committed.
(4)	The Commissioner, an authorised officer, a park ranger or a police officer may remove from any national park, nature reserve or public park any vehicle, boat or thing brought into or left in the national park, nature reserve or public park or any part thereof in contravention of this Act or which is likely to cause danger or obstruction.

3.18 ANIMAL WELFARE

A Animals and Birds Act, Chapter 7 [as amended by the Animals and Birds (Amendment) Act No. 46 of 2014]

AGENCY	Agri-food and Veterinary Authority of Singapore
ARTICLE NO	PROVISIONS
41c	Duty of care of animal owners (1) Every owner of an animal — a. must take reasonable steps to ensure that — (i) the animal is provided with adequate and suitable food and water, taking into account its dietary needs; (ii) the animal is provided with adequate shelter; (iii) the animal is not kept in confinement, conveyed, lifted, carried or handled in a manner or position that subjects the animal to unreasonable or unnecessary pain or suffering; and (iv) the animal is protected from, and rapidly diagnosed of, any significant injury or disease; b. must not abandon the animal, or cause or permit the animal to be abandoned, whether permanently or temporarily, without reasonable cause or excuse; c. in the case where the animal is missing, must make reasonable efforts to recover the animal; and d. must take reasonable steps to ensure that the animal is cared for in accordance with the codes of animal welfare applicable to the animal. (2) Any person who fails to comply with subsection (1)(a), (b) or (c) shall be guilty of an offence. (3) A person who is guilty of an offence under subsection (2) shall be liable on conviction — a. in the case where the person commits the offence in the course of carrying on, or employment or purported employment with, an animal-related business — (i) for a first offence, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 2 years or to both; and (ii) for a second or subsequent offence, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both; and b. in any other case — (i) for a first offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; and

A Section continued

ARTICLE NO	PROVISIONS
	<p>(ii) for a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.</p> <p>(4) For the purpose of subsection (3), a person is a repeat offender if the person who is convicted, or found guilty, of an offence under subsection (2) has (whether before, on or after the date of commencement of section 4 of the Animals and Birds (Amendment) Act 2014) been convicted or found guilty on at least one other earlier occasion of an offence under section 42(1)(f) in force immediately before that date.</p> <p>(5) In this section, “employment”, in relation to an animal-related business, includes the holding of office, or purporting to act in the capacity, of a director, manager, partner, secretary or other analogous position in the animal-related business.”.</p>
42	<p>Cruelty to animals</p> <p>(1) Any person who —</p> <ul style="list-style-type: none">a. cruelly beats, kicks, ill-treats, over-rides, over-drives, over-loads, tortures, infuriates or terrifies any animal;b. causes or procures or, being the owner, permits any animal to be so used;c. [Deleted by Act 46 of 2014 wef 16/01/2015]d. by want only or unreasonably doing or omitting to do any act, causes any unnecessary pain or suffering or, being the owner, permits any unnecessary pain or suffering to any animal;e. [Deleted by Act 46 of 2014 wef 16/01/2015]f. [Deleted by Act 46 of 2014 wef 16/01/2015]g. employs or causes or procures or, being the owner, permits to be employed in any work of labour, any animal which in consequence of any disease, infirmity, wound or sore, or otherwise is unfit to be so employed; orh. causes, procures or assists at the fighting or baiting of any animal, or keeps, uses, manages, or acts or assists in the management of any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or permits any premises or place to be so kept, managed or used, or receives or causes or procures any person to receive money for the admission of any person to the premises or place, <p>shall be guilty of an offence.</p> <p>(3) Nothing in this section applies to the commission or omission of any act in the course of the destruction, or the preparation for destruction of any animal as food, unless that destruction or preparation was accompanied by the infliction of unnecessary suffering.</p> <p>(4) A person who is guilty of an offence under subsection (1) shall be liable on conviction —</p> <ul style="list-style-type: none">a. in the case where the person commits the offence in the course of carrying on, or employment or purported employment with, an animal-related business —<ul style="list-style-type: none">(i) for a first offence, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 2 years or to both; and(ii) for a second or subsequent offence, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both; andb. in any other case —<ul style="list-style-type: none">(i) for a first offence, to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 18 months or to both; and(ii) for a second or subsequent offence, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 3 years or to both. <p>(5) In this section, “employment”, in relation to an animal-related business, includes the holding of the office, or purporting to act in the capacity, of a director, manager, partner, secretary or other analogous position in the animal-related business.</p>

A Section continued

ARTICLE NO	PROVISIONS
44	<p>Orders by Magistrate when an offence has been committed</p> <p>(1) When any person has been convicted of an offence under this Part, the court may order—</p> <ul style="list-style-type: none">a. that the animal in respect of which the offence was committed be taken to a veterinary centre or such other place as the court may specify and there detained and treated for any period stated in the order, or until released by further order of a Magistrate or until an authorised officer has certified in writing that it may properly be released;b. that the animal be treated by an authorised officer or by a person licensed under section 53 to treat animals and not used during such period as may be stated in the order or until permission to use it has been given by a Magistrate or an authorised officer; orc. if satisfied that the animal is incurably diseased or injured, that it be destroyed immediately by or under the direction of a police officer or an authorised officer and that the cost of burying or otherwise disposing of the carcase be borne by the person convicted. <p>(2) Where the court makes an order under subsection (1)(a), the person who has been convicted of an offence in respect of the animal shall be liable to pay the costs and expenses for its maintenance and treatment until it is declared fit for release or use.</p> <p>(3) Without prejudice to subsection (1), where the owner of any animal is convicted of an offence under this Part, the court may, upon convicting him, if it thinks fit, in addition to any other punishment, deprive him of the ownership of the animal and make such order as to the disposal of the animal as the court thinks fit.</p> <p>(4) The court shall not make an order under subsection (3) unless it is satisfied by evidence as to a previous conviction, or as to the character of the owner or otherwise, that the animal, if left with the owner, is likely to be exposed to cruelty.</p> <p>(5) Any person who acts in contravention of the provisions of an order made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.</p>
45	<p>Power to order destruction of animals</p> <p>(1) An authorized officer or a police officer who has satisfied himself by personal inspection or otherwise —</p> <ul style="list-style-type: none">a. that an animal is diseased or injured and that the disease or injury from which the animal is suffering is incurable or that it is cruel to keep the animal alive; orb. that an animal is so diseased or so severely injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal there is no possibility of removing it without cruelty and that it is cruel to keep it alive, may give written directions requiring the animal to be destroyed and those directions may immediately be carried out by or under the supervision of that uthorized officer or police officer or any other person authorized in that behalf by the uthorized officer or police officer. <p>(2) If the animal so diseased or injured is in any house, stable, shed, or enclosure proper for that animal and not in a public thoroughfare, market or place, no written directions shall be given until the owner of the animal (if known) has been duly notified of the state of the animal.</p> <p>(3) If any animal is destroyed under written directions given under subsection (1), the expenses of the removal and burial of the carcase of the animal shall be paid by the owner thereof and the amount thereof may be recovered from that owner in a summary manner before a Magistrate.</p>

4 KEY PROVISIONS OF OTHER LAWS

4.1 PENAL CODE	
A <i>Penal Code, Chapter 224</i>	
ARTICLE NO.	PROVISION
161	<p>Public servant taking a gratification, other than legal remuneration, in respect of an official act</p> <p>Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Government, or with any Member of Parliament or the Cabinet, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.</p>
162	<p>Taking a gratification in order, by corrupt or illegal means, to influence a public servant</p> <p>Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person, with the Government, or with any Member of Parliament or the Cabinet, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.</p>
163	<p>Taking a gratification, for the exercise of personal influence with a public servant</p> <p>Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government, or with any Member of Parliament or the Cabinet, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.</p>
164	<p>Punishment for abetment by public servant of the offences above defined</p> <p>Whoever, being a public servant, in respect of whom either of the offences defined in sections 162 and 163 is committed, abets the offence, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.</p>
165	<p>Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant</p> <p>Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any valuable thing, without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceedings or business transacted, or about to be transacted, by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.</p>

A Section continued

ARTICLE NO.	PROVISION
170	<p>Personating a public servant</p> <p>Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.</p>
428	<p>Mischief by killing or maiming any animal</p> <p>Whoever commits mischief by killing, poisoning, maiming or rendering useless, any animal shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with both.</p>
463	<p>Forgery</p> <p>Whoever makes any false document or electronic record or part of a document or an electronic record with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.</p>
464	<p>Making a false document or false electronic record</p> <p>A person is said to make a false document or false electronic record — who dishonestly or fraudulently — makes, signs, seals or executes a document or part of a document; makes any electronic record or part of any electronic record; affixes any electronic signature on any electronic record; or makes any mark denoting the execution of a document or the authenticity of the electronic signature, with the intention of causing it to be believed that such document or electronic record or part of a document or electronic record or electronic signature was made, signed, sealed, executed or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed, or at a time at which he knows that it was not made, signed, sealed, executed or affixed; who without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with an electronic signature, either by himself or by any other person, whether that person is living or dead at the time of the alteration; or who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his electronic signature on an electronic record, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him he does not, know the contents of the document or electronic record or the nature of the alteration.</p> <p>In this section, “electronic signature” has the same meaning as in the Electronic Transactions Act (Cap. 88).</p>
465	<p>Punishment for forgery</p> <p>Whoever commits forgery shall be punished with imprisonment for a term which may extend to 4 years, or with fine, or with both.</p>
471	<p>Using as genuine a forged document or forged electronic record</p> <p>Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or forged electronic record, shall be punished in the same manner as if he had forged such document or electronic record.</p>

4.2 ANTI-MONEY LAUNDERING

A *Monetary Authority of Singapore Act, Chapter 186, 1970, revised in 1999*

AGENCY	Monetary Authority of Singapore
ARTICLE NO.	PROVISION
27B	<p>Directions or regulations to prevent money laundering and terrorism financing</p> <p>(1) The Authority may, from time to time, issue such directions or make such regulations concerning any financial institution or class of financial institutions as the Authority considers necessary for the prevention of money laundering or for the prevention of the financing of terrorism.</p> <p>(2) A financial institution which fails or refuses to comply with any direction issued under subsection (1), or contravenes any regulations made under that subsection, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine of \$100,000 for every day during which the offence continues after conviction.</p>

B *Moneylenders (Prevention Of Money Laundering And Financing Of Terrorism) Rules 2009*

AGENCY	Monetary Authority of Singapore
ARTICLE NO.	PROVISION
4	<p>General principles</p> <p>(1) A moneylender shall exercise due diligence in accordance with these Rules when dealing with any borrower, or any agent or beneficial owner of a borrower.</p> <p>(2) A moneylender shall conduct his business in such a manner as to guard against the grant of any loan that is, may be connected with or facilitates money laundering or the financing of terrorism.</p> <p>(3) A moneylender shall assist and cooperate with the relevant law enforcement authorities in detecting and preventing money laundering and the financing of terrorism.</p>
11	<p>General penalty</p> <p>Any person who is guilty of an offence under these Rules shall be liable on conviction to a fine not exceeding \$100,000.</p>

C *Corruption, Drug Trafficking And Other Serious Crimes (Confiscation Of Benefits) Act (Chapter 65a) Revised Edition 2000*

AGENCY	Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) Steering Committee, comprising the Permanent Secretary of the Ministry of Home Affairs, Permanent Secretary of the Ministry of Finance and Managing Director of the Monetary Authority of Singapore
ARTICLE NO.	PROVISION
47	<p>Acquiring, possessing, using, concealing or transferring benefits of criminal conduct</p> <p>(1) Any person who —</p> <ol style="list-style-type: none">conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, his benefits from criminal conduct;converts or transfers that property or removes it from the jurisdiction; oracquires, possesses or uses that property, <p>shall be guilty of an offence.</p> <p>(2) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits from criminal conduct—</p> <ol style="list-style-type: none">conceals or disguises that property; orconverts or transfers that property or removes it from the jurisdiction, <p>shall be guilty of an offence.</p> <p>(3) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits from</p>

C Section continued

ARTICLE NO.	PROVISION
	criminal conduct, acquires that property, or has possession of or uses such property, shall be guilty of an offence.
(4)	In subsections (1)(a) and (2)(a), references to concealing or disguising any property include references to concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.
(5)	[Deleted by Act 2 of 2012 wef 01/03/2012]
(6)	Any person who commits an offence under this section shall be liable on conviction — a. if the person is an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both; or b. if the person is not an individual, to a fine not exceeding \$1 million.

4.3 ANTI-CORRUPTION

A Prevention of Corruption Act (Cap 241)

AGENCY	Corrupt Practices Investigation Bureau
ARTICLE NO.	PROVISION
5	<p>Punishment for corruption</p> <p>Any person who shall by himself or by or in conjunction with any other person —</p> <ol style="list-style-type: none">corruptly solicit or receive, or agree to receive for himself, or for any other person; orcorruptly give, promise or offer to any person whether for the benefit of that person or of another person,any gratification as an inducement to or reward for, or otherwise on account of —<ol style="list-style-type: none">any person doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed; orany member, officer or servant of a public body doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such public body is concerned, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.
6	<p>Punishment for corrupt transactions with agents</p> <p>If —</p> <ol style="list-style-type: none">any agent corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business;any person corruptly gives or agrees to give or offers any gratification to any agent as an inducement or reward for doing or forbearing to do, or for having done or forborne to do any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; orany person knowingly gives to an agent, or if an agent knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal, <p>he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.</p>

4.4 CUSTOMS

A Customs Act (Cap. 70)

AGENCY	Singapore Customs
ARTICLE NO.	PROVISION
128A	<p>(1) Any person who —</p> <p>a. counterfeits or falsifies, or uses, when counterfeited or falsified —</p> <p>(i) any document which is or may be required under this Act; or any document used in the transaction of any business or matter relating to customs; or</p> <p>(ii) fraudulently alters any document, or counterfeits the seal, signature, initials or other mark of, or used by, any officer of customs for the verification of any such document or for the security of any goods or any other purpose in the conduct of business relating to customs,</p> <p>shall be guilty of an offence.</p> <p>(2) When any such document has been proved to be counterfeited or falsified in whole or in part, it shall be no defence to allege that the document was made or used inadvertently or without criminal or fraudulent intent.</p>
128E	<p>Offences in relation to goods found in person's baggage or upon his person, etc.</p> <p>Any person who after he denies having, is found to have, any dutiable or prohibited goods in his baggage or upon his person or otherwise in his possession shall be guilty of an offence.</p>
128F	<p>Offences in relation to importation of uncustomed or prohibited goods</p> <p>Any person who is in any way concerned in importing any uncustomed or prohibited goods shall be guilty of an offence.</p>
128G	<p>Offences in relation to exportation of uncustomed or prohibited goods</p> <p>Any person who is in any way concerned in exporting any uncustomed or prohibited goods shall be guilty of an offence.</p>
128H	<p>Offences in relation to shipping, unshipping, loading, unloading, etc., of uncustomed or prohibited goods</p> <p>Any person who ships, unships, loads, unloads, lands or delivers, or who assists or is concerned in the shipping, unshipping, loading, unloading, landing or delivery of, any uncustomed or prohibited goods, whether or not the goods are shipped, unshipped, loaded, unloaded, landed or delivered,</p> <p>shall be guilty of an offence.</p>
128L	<p>(1) Any person who is guilty of an offence under section 128(1), 128A(1), 128B(1) or 128C shall be liable on conviction to a fine not exceeding \$10,000, or the equivalent of the amount of the customs duty, excise duty or tax payable, whichever is the greater amount, or to imprisonment for a term not exceeding 12 months, or to both.</p> <p>(2) Subject to subsection (3), any person who is guilty of a specified offence shall be liable on conviction to a fine of —</p> <p>a. not less than 10 times the amount of the customs duty, excise duty or tax the payment of which would have been evaded by the commission of the offence or \$5,000, whichever is the lesser amount, subject to a minimum of \$1,000 where the specified offence involves goods consisting wholly or partly of relevant tobacco products; and</p> <p>b. not more than 20 times the amount of the customs duty, excise duty or tax the payment of which would have been so evaded or \$5,000, whichever is the greater amount,</p> <p>except that where the amount of customs duty or excise duty cannot be ascertained, the penalty may amount to a fine not exceeding \$5,000, subject to a minimum of \$1,000 where the specified offence involves goods consisting wholly or partly of relevant tobacco products.</p> <p>(7) In this section —</p> <p>... "specified offence" means an offence under section 128D, 128E, 128F, 128G, 128H, 128I, 128J or 128K.</p>

4.5 EXTRADITION

A Extradition Act Chapter 103

AGENCY	Attorney's General's Chambers
ARTICLE NO.	PROVISION
First schedule	
Part I, 17	An offence against the law relating to forgery
Part I, 26	An offence against the law relating to benefits derived from corruption, drug trafficking and other serious crimes.
Part III,	<ol style="list-style-type: none">1. Abetment of a serious crime, where the serious crime is transnational in nature and involves an organised criminal group.2. Criminal conspiracy to commit a serious crime, where the serious crime is transnational in nature and involves an organised criminal group. <p>Note: The expressions "serious crime", "organised criminal group" and "transnational" have the meanings given to those expressions in the United Nations Convention against Transnational Organised Crime, done at New York on 15th November 2000.</p>

4.6 TRANSNATIONAL ORGANIZED CRIME

A Corruption, Drug Trafficking And Other Serious Crimes (Confiscation Of Benefits) Act (Chapter 65a) Revised Edition 2000

AGENCY	Ministry of Home Affairs, Ministry of Finance and Monetary Authority of Singapore
ARTICLE NO.	PROVISION
Second Schedule Part IV	offences included as serious offences with effect from 27th September 2007, being transnational offences involving organised criminal groups Note: The expressions "serious crime", "organised criminal group" and "transnational" have the meanings given to those expressions in the United Nations Convention against Transnational Organised Crime, done at New York on 15th November 2000.
293	Abetment of a serious crime, where the serious crime is transnational in nature and involves an organised criminal group (section 109, 115, 116 or 118 of the Penal Code (Cap. 224))
294	Criminal conspiracy to commit a serious crime, where the serious crime is transnational in nature and involves an organised criminal group (section 120B of the Penal Code (Cap. 224))

4.7 MUTUAL LEGAL ASSISTANCE TO RECOVER PROCEEDS OF CRIME

A Mutual Assistance in Criminal Matters Act (Act 12 of 2000, as amended)

AGENCY	Attorney General's Chambers
ARTICLE NO.	PROVISION
2	"serious offence" means — <ol style="list-style-type: none">a. any offence (being an offence against the law of Singapore other than a drug dealing offence) that —<ol style="list-style-type: none">(i) is specified «in the Second Schedule; or(ii) is punishable with imprisonment for a term which may extend to 4 years or more;b. conspiracy to commit any such offence;c. inciting another to commit any such offence;d. attempting to commit any such offence; ore. aiding, abetting, counselling or procuring the commission of any such offence;

A *Section continued*

ARTICLE NO.	PROVISION
(Second Schedule, Part III)	<ul style="list-style-type: none">• Animals and Birds Act (Cap. 7)• Control of Plants Act (Cap. 57A)• Control of Plants (Plant Importation) Rules• Endangered Species (Import and Export) Act 2006 (Act 5 of 2006)• Environmental Protection and Management Act (Cap. 94A)• Wholesome Meat and Fish Act (Cap. 349A)• Wild Animals and Birds Act (Cap 351)

5 PENALTIES

5.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME						
Law and relevant provisions	Article No.	Min	Fine*		Imprisonment**	
				Max	Min	Max
1 Endangered Species (Import and Export) Act, Chapter 92A	4(1)			50,000 SGD for each scheduled species up to 500,000 SGD in aggregate		2
	4(2)			50,000 SGD for each scheduled species up to 500,000 SGD in aggregate		2
	4(3)			10,000 SGD for each scheduled species up to 100,000 SGD in aggregate		12 mth
	5(2)			50,000 SGD for each scheduled species up to 500,000 SGD in aggregate		2
	18			10,000 SGD		12 mth
2 Wild Animal and Birds Act, Chapter 351	5			1,000 SGD		
	8			1,000 SGD		
	10			1,000 SGD		
3 Fisheries Act, Chapter 111	13(1) –(2)			10,000 SGD		
	13(3)			50 SGD for every day during which the offence continues		
	13(4)			50,000 SGD		
4 Animal and Birds Act, Chapter 7	8			10,000 SGD		12 mth
	9			10,000 SGD		12 mth
	16			10,000 SGD		12 mth
	41(c)(3)(a)(i)			40,000 SGD		2
	41(c)(3)(a)(ii)			100,000 SGD		3
	41(c)(3)(b)(i)			10,000 SGD		12 mth
	41(c)(3)(b)(ii)			20,000 SGD		2
	42(4)(a)(i)			40,000 SGD		2
	42(4)(a)(ii)			100,000 SGD		3
	42(4)(b)(i)			15,000 SGD		18 mth
	42(4)(b)(ii)			30,000 SGD		3
48(2)			5,000 SGD		3	

* In local currency Singapore Dollars

** In years unless otherwise stated

5.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME

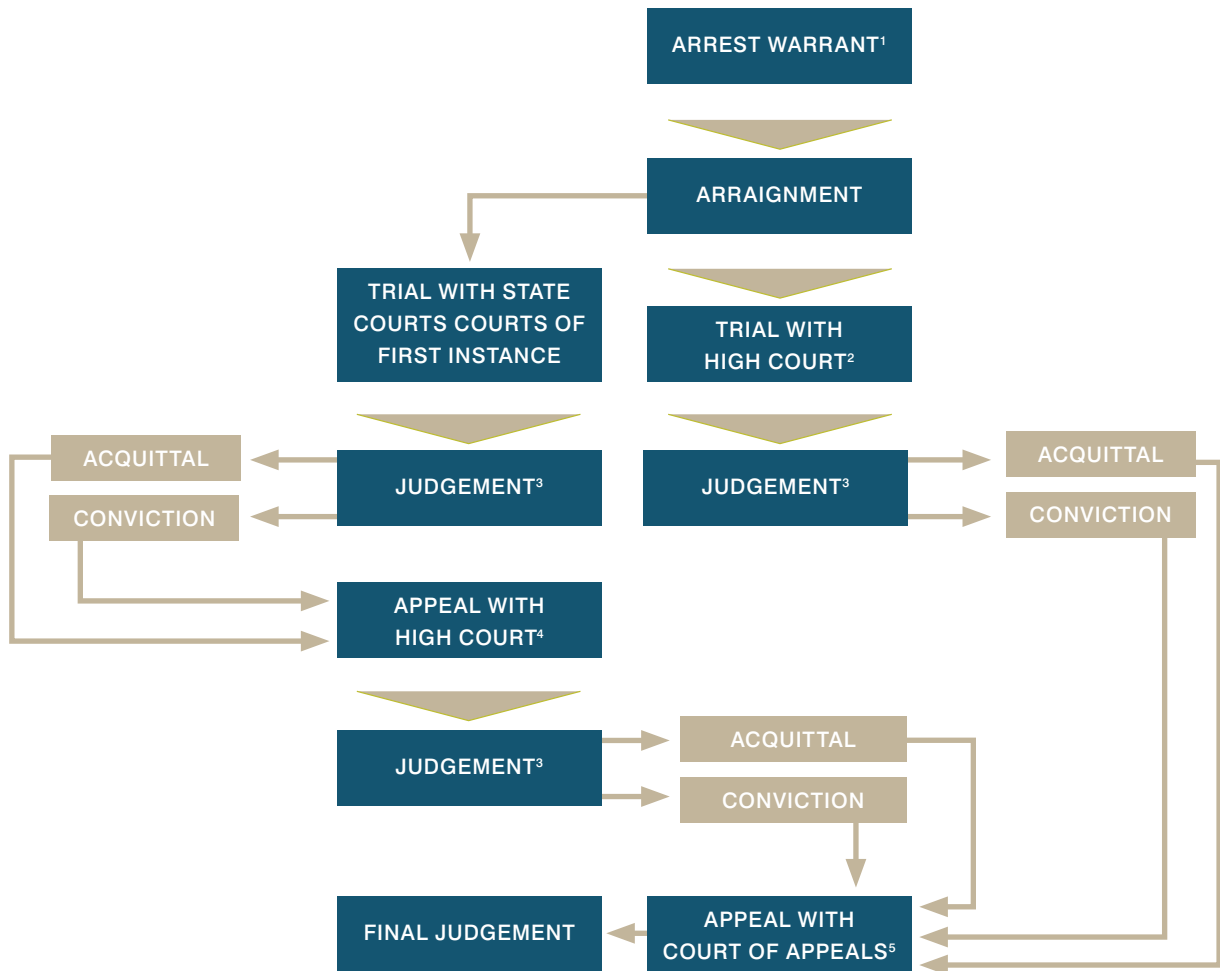
Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
5 Park and Trees Act, Chapter 216, 2005	8(3)		50,000 SGD and 500 SGD for every day or part thereof during which the offence continues after conviction		6 mth
	9(4)		50,000 SGD and 500 SGD for every day or part thereof during which the offence continues after conviction		6 mth
	10(3)		20,000 SGD		
	14(2)		50,000 SGD		
	18(2)		50,000 SGD		
6 Wholesome Meat and Fish Act, Chapter 349A, 1999, revised in 2000	5(2)		50,000 SGD; 100,000 SGD (if second or subsequent conviction)		2; 3 (if second or subsequent conviction)
	6(4)		10,000 SGD; 20,000 SGD- (if second or subsequent conviction)		12 mth; 2 (if second or subsequent conviction)
7 Control of Plants Act	5(2)		50,000 SGD; 100,000 SGD (if second or subsequent conviction)		2; 3 (if second or subsequent conviction)
	6(4)		10,000 SGD; 20,000 SGD- (if second or subsequent conviction)		12 mth; 2 (if second or subsequent conviction)
8 Control of Plants (Plant Importation) Rules, 1994, revised in 2000	18		10,000 SGD		3

5.2 PENALTIES UNDER OTHER NATIONAL LAWS

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Monetary Authority of Singapore Act, Chapter 186, 1970, revised in 1999	27B		1 million SGD and, in the case of a continuing offence, to a further fine of 100,000 SGD for every day during which the offence continues after conviction.		2
Moneylenders (Prevention Of Money Laundering And Financing Of Terrorism) Rules 2009	11		100,000 SGD		
Corruption, Drug Trafficking And Other Serious Crimes (Confiscation Of Benefits) Act (Chapter 65a) Revised Edition 2000	47		500,000 SGD (individual) 1 million SGD (non-individual)		10
Prevention of Corruption Act (Cap 241)	5		100,000 SGD		5
	6		100,000 SGD		5
Customs Act (Cap. 70)	128L(1)		10,000 SGD, or the equivalent of the amount of the customs duty, excise duty or tax payable, whichever is the greater amount		12 mth
	128L(1)		5,000 SGD		
Penal Code Chapter 224	161		Fine		3
	162		Fine		3
	163		Fine		1
	164		Fine		3
	165		Fine		2
	170		Fine		2
	428		Fine		5
	465		Fine		4

6 ANNEXES

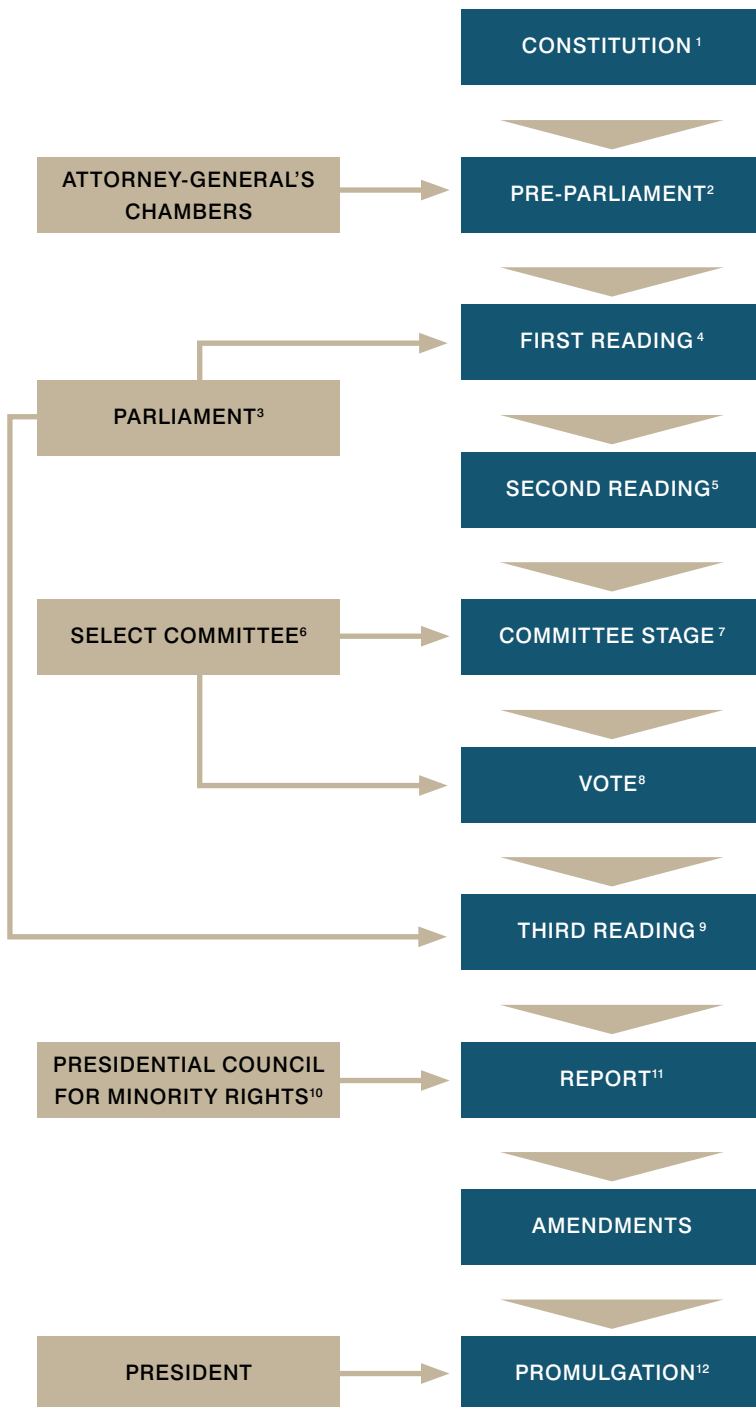
A OVERVIEW OF LEGAL PROCESS AND PROCEDURE FOR PROSECUTION AND SENTENCING OF WILDLIFE CRIMES, SINGAPORE



Notes:

- 1 Article 69 of the Criminal Procedure Code states that an arrest warrant must ordinarily be directed to the Commissioner of Police or to the head or director of any law enforcement agency.
- 2 The Supreme Court consists of the Court of Appeal and the High Court. The High Court is a Court of First Instance for claims beyond the jurisdiction of the State Courts. The State Courts consist of the District Court (for general pecuniary jurisdiction up to \$250,000) and Magistrates' Courts (for general pecuniary jurisdiction up to \$60,000)
- 3 The court must deliver judgment in every criminal trial, criminal appeal, case stated, criminal revision, criminal reference or criminal motion in open court immediately after the trial, or at a later time of which due notice must be given to the parties or their advocate.
- 4 Appeals from trials taking place in subordinate courts are overseen by the High Court.
- 5 The Court of Appeals is the upper division of the Supreme Court and is Singapore's final court of appeal. Some types of High Court decisions cannot be appealed in the Court of Appeals and. If a case originated in the subordinate courts, the Court of Appeals cannot hear an appeal if criminal matters are concerned.

B OVERVIEW OF LEGISLATIVE PROCESS SINGAPORE



Footnotes:

- 1 Articles 38-67 and Articles 142-148 of the Constitution state that legislative power lies with Parliament
- 2 If the Bill relates to only one policy area, the related Government Ministry will work together with the Legislative Division of the Attorney General's Chambers to prepare the draft Bill
- 3 Singapore's Parliament is unicameral. It comprises of 99 members; 87 are elected, 3 are non-constituency members, and 9 are nominated members
- 4 The First Reading is largely ceremonial and comprises of the bill's title being read aloud and the text being handed out.
- 5 In the Second Reading the Bill's merits and principles are debated in Parliament.
- 6 While most Committees in Singaporean government reflect the Westminster system, it is specifically formed ad hoc Select Committees that usually debate a Bill. If the Bill is uncontroversial then the whole Parliament will examine the Bill.
- 7 In the Committee Stage the details of the drafting are examined and public scrutiny is considered.
- 8 When a Committee's consideration is complete Parliament will vote on the Bill.
- 9 The 3rd Reading is largely a formality. Only Amendments of material nature can be made. There is then another vote.
- 10 The Presidential Council for Minority Rights (PCMR) is a non-elected advisory body that decided if a Bill is discriminatory against any racial or religious community
- 11 THE PCMR will write a report to detail if the Bill is fair to all racial and religious groups or not. If the report is favourable the Bill will go to President for Promulgation. If the report is adverse it will go back to Parliament for Amendments
- 12 Upon signing a Bill a notification is published in the Government Gazette to announce it has passed into law.
- 13 SHERLOCK S (2015), *One ASEAN: Many Systems. Legislative Procedures of AIPA Member Parliaments.* ISBN 978-602-72633-1-4. The flowchart for the legislative process was created based on the information provided in this document.

C LIST OF NATIONAL LAWS

- 1 Animals and Birds Act, Chapter 7
- 2 Animals and Birds (Amendment) Act, revised in 2014
- 3 Arms and Explosives Act, Chapter 13, 1913, revised in 2013
- 4 Arms Offences Act, Chapter 14, 1973, revised in 2008
- 5 Banking Act, Chapter 19, 1970, revised in 2008
- 6 Customs Act, Chapter 70, Revised Edition 2004
- 7 Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A, 1992
- 8 Computer Misuse and Cyber security Act, Chapter 50A, 1993, revised in 2007
- 9 Companies Act, Chapter 50, 1967, revised in 2006
- 10 Criminal Procedure Code, Chapter 68, 2010, revised in 2012
- 11 Corrosive and Explosive Substances and Offensive Weapons Act, Chapter 65, 1966, revised in 2013
- 12 Control of Plants Act, Chapter 57A, 1993, revised in 2000
- 13 Control of Plants (Plant Importation) Rules, 1994, revised in 2000
- 14 Extradition Act, Chapter 103
- 15 Endangered Species (Import and Export) Act [ESA], Chapter 92A, 2006, revised in 2008
- 16 Endangered Species (Import And Export) (Prohibition Of Sale) Notification 2008
- 17 Explosive Substances Act, Chapter 100, 1924, revised in 2014
- 18 Environmental Protection and Management Act, Chapter 94A, 1999, revised in 2002
- 19 Evidence Act, Chapter 97, Revised Edition 1997
- 20 Fisheries Act, Chapter 111, 1966, revised in 2002
- 21 Federal Republic of Germany (Extradition) Order, Chapter 103, 1960
- 22 Hazardous Waste (Control of Export, Import and Transit) Act, Chapter 122A, 1997, revised in 1998
- 23 Health Products Act, Chapter 122D, 2007, revised in 2008
- 24 Mutual Assistance in Criminal Matters Act, Chapter 190A, 2000, revised in 2001
- 25 Monetary Authority of Singapore Act, Chapter 186, 1970, revised in 1999
- 26 Moneylenders (Prevention of Money Laundering and Financing of Terrorism) Rules, Act 31, 2008
- 27 Parks and Trees Act, Chapter 216, 2005
- 28 Prevention of Corruption Act, Chapter 241, 1960, revised in 1993
- 29 Penal Code, Chapter 224, 1871, revised in 2008
- 30 Public Service (Disciplinary Proceedings) Regulations, 1970, revised in 1999
- 31 Protected Areas and Protected Places Act, Chapter 256, 1959, revised in 2013
- 32 Strategic Goods (Control) Act, Chapter 300, 2002, revised in 2003
- 33 Wild Animal and Birds Act, Chapter 351, 1965, revised in 2000
- 34 Wild Animals (Licensing) Order, 1990, revised in 1992
- 35 Wholesome Meat and Fish Act, Chapter 349A, 1999, revised in 2000



NATIONAL LAWS THAILAND

พิธีทำลายงาช้างของกลาง



Destruction of Confiscated Ivory in Thailand 2015



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Photography by Molly Ferri

1 EXECUTIVE SUMMARY

WILDLIFE LAWS

Thailand has been a member of CITES since 1983 and its implementation legislation meet CITES requirements as a Category One country¹.

There are 3 principal legislation which are part of Thailand's legal arsenal to implement CITES. They are:

1. Wild Animal Reservation and Protection Act B.E. 2535 (1992) and as amended by Act B.E. 2557 (2014) [collectively "WARPA"];
2. Plants Act B.E.2518 as amended in B.E. 2535(1992) and B.E.2550 (2007);
3. Ivory Trade Act B.E. 2558 (2015).

Thailand has made cogent attempts to improve its wildlife laws. The Wild Animal Preservation and Protection Act B.E. 2557 (2014) and the Ivory Trade Act B.E. 2558 (2015) were enacted in late 2014- early 2015 to ensure more compliance and control with the implementation of CITES.

PENALTIES UNDER WILDLIFE LAWS

The maximum imprisonment term for wildlife trafficking is 4 years under section 47 of WARPA, which meets the threshold under the UNTOC for it to qualify as a serious crime². This is important in the context of combating the transnational nature of wildlife crime.

However, maximum fine under WARPA is only forty thousand baht (approximately USD 1,100). This may be one of the areas that can be improved as given the value of illegal wildlife trade, the amount may be too low to be an effective deterrence for the criminals, in particular in cases of organized syndicates.

INTERNATIONAL COOPERATION AND OTHER LAWS

It is noteworthy that Thailand has a high rate of adherence to the relevant international treaties³. The more recent accessions are the UNCAC in 2011, UNTOC in 2013, and the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention), 18 May, 1973, Kyoto, Japan (as revised on 26 June 1999), in 2015. These are important international conventions that pave the way to more effective cooperation and enforcement against transnational organized crimes.

Relevant laws have been passed or were already in existence to comply with and complement the respective treaties. In particular, the anti-money laundering laws and laws dealing with corruption and transnational crime were reinforced with the enactment of the Anti-Money Laundering Act (No.4) B.E. 2556 (2013) and The Act on Prevention and Suppression of the Participation of Transnational Organized Crime, B.E. (2013).

Wildlife trafficking is a predicate crime under Thailand's anti-money laundering laws⁴. With organized syndicates increasing involvement in wildlife trafficking, Thailand shall definitely benefit from inter-agencies and regional cooperation in the fight against transnational and organized wildlife crimes.

¹ Category One where its legislation is believed generally to meet all four requirements for effective implementation of CITES; Category Two where its legislation is believed generally to meet one to three of the four requirements for effective implementation of CITES; and category three where its legislation is believed generally to not meet any of the four requirements for effective implementation of CITES.

² In accordance with Article 2 of the UNTOC.

³ See section 2 on International convention, treaties and agreements: relevant laws.

⁴ Anti-Money Laundering Act B.E. 2542 (1999) (Consolidate 1-4), 10 April 1999 as amended to Anti-Money Laundering Act (No.4) B.E. 2556 (2013)

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF ACCESSION: 21/01/1983</p>
<p>a. Wild Animal Reservation and Protection Act B.E. 2535 (1992) b. Wild Animal Preservation and Protection Act B.E. 2557 (2014) c. Ivory Trade Act B.E. 2558 (2015) d. Plants Act B.E.2518 as amended in B.E. 2535(1992) and B.E.2550 (2007)</p>	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF ACCESSION: 17/10/2013</p>
<p>a. Anti-Money Laundering Act B.E. 2542 (1999) (Consolidate 1-4), 10 April 1999 as amended to b. Anti-Money Laundering Act (No.4) B.E. 2556 (2013) c. The Act on Prevention and Suppression of the Participation of Transnational Organized Crime, B.E. (2013)</p>	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF ACCESSION: 1/03/2011</p>
<p>a. Anti-Money Laundering Act B.E. 2542 (1999) (Consolidate 1-4) as amended to Anti-Money Laundering Act (No.4) B.E. 2556 (2013) b. The Act on Prevention and Suppression of Corruption B.E. 2542 (1999) (annex to Constitution) c. Penal Code Amendment Act (No.14) B.E 2540 (1997)</p>	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF ACCESSION: 12/06/2015</p>
<p>a. Customs Act B.E. 2469 (1926) b. Export and Import of Goods Acts (1979)</p>	
<p>5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995</p>	<p>DATE OF RATIFICATION: 01/01/1995</p>
<p>a. Food Act B.E. 2522 (1979) b. Animal Epidemics Act B.E. 2499 (1956)</p>	
<p>6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL</p>	<p>DATE OF ACCESSION: 31/10/2003</p>
<p>a. National Parks Act B.E. 2504 (1961) b. Forest Act 2484 (1941) c. Wild Animal Reservation and Protection Act B.E. 2535 (1992) d. Enhancement and conservation of National Environmental Quality B.E. 2535</p>	

<p>7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972</p>	<p>DATE OF ACCEPTANCE 17/09/1987</p>
<p>a. Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504 (1961) as amended by Act (No.2), B.E. 2535 (1992)</p>	
<p>8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2004</p>	<p>DATE OF ACCESSION: 31/01/2013</p>
<p>a. The Act on Mutual Legal Assistance in Criminal Matters B.E. 2535 (1992)</p>	
<p>9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION - THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012</p>	<p>DATE OF RATIFICATION:</p>
<p>THROUGH ASIA PACIFIC GROUP ON MONEY LAUNDERING (APG) FOUNDING MEMBER OF APG !997</p>	
<p>a. Anti-Money Laundering Act B.E. 2542 (1999)- as amended to Anti-Money Laundering Act (No.4) B.E. 2556 (2013)-(Consolidated Counter-terrorism Financing Act B.E. 2556) (2013)</p>	
<p>10 BIOLOGICAL AND TOXIN WEAPONS CONVENTION (BWC) 1972</p>	<p>DATE OF RATIFICATION: 28/05/1975</p>
<p>a. Anti-Money Laundering Act B.E. 2542 (1999)- as amended to Anti-Money Laundering Act (No.4) B.E. 2556 (2013)-(Consolidated Counter-terrorism Financing Act B.E. 2556) (2013)</p>	

3 KEY PROVISIONS OF WILDLIFE LAWS

3.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A <i>Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]</i>	
AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
20	<p>No person shall trade in preserved and protected wildlife and their carcasses or carcass products unless it is protected wildlife of the kind as prescribed under Section 17, acquired such wildlife from propagation or their carcasses or carcass products and permission must be obtained from the Director-General.</p> <p>The application for permission and obtaining of permission shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.</p>
23	<p>Subject to Section 24, no person shall import or export Wild Animal and their carcasses or Product made from the Wild Animal Carcasses of the kind as notified and specified by the Minister or pass preserved Wild Animal and their carcasses, Product made from the preserved Wild Animal Carcasses, the protected Wild Animal Carcasses, or Product made from the protected Wild Animal Carcasses through the Kingdom unless permission has been obtained from the Director-General.</p> <p>Importing or exporting preserved and protected Wild Animal and their carcasses or Product made from the Wild Animal Carcasses shall not be permitted, unless it is the importing or the exporting of the protected Wild Animal, their carcasses or Product made from the protected Wild Animal Carcasses acquired from propagation under Section 18(1), or lawfully acquired in accordance with the International Agreement on the Trade of Wild Animal, their carcasses and Product made from the Wild Animal Carcasses and permit must be obtained from the Director-General.</p> <p>The application for permission and obtaining of permission of the paragraph 1 and 2 shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.</p>
47	Whoever acts in contravention of the provisions of Sections 16, 19, 20 paragraph one, or 23 paragraph one, shall be punished with imprisonment not exceeding four years or with a fine not exceeding forty thousand Baht, or both.
48	Whoever acts in contravention of the provisions of Section 18, or 23 paragraph two, or fails to comply under Section 29, shall be punished with imprisonment not exceeding three years or with a fine not exceeding thirty thousand Baht, or both.
50	Whosoever trades in protected wildlife or their carcasses acquired from propagation, or carcass products of such wildlife without permission under Section 20, shall be punished with imprisonment not exceeding two years or with a fine not exceeding twenty thousand Baht, or both.
55	Whoever assists in concealing, disposing of , taking away, purchasing, holds in pledge, or receives by any other means Wild Animal and their carcasses, Product made from the Wild Animal Carcasses acquired through the commission of an offence under this Act, shall be punished with the imprisonment not exceeding one year or with a fine not exceeding ten thousand Baht, or both.

B Ivory Trade Act B.E. 2558 (2015)	
AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
5	Any person shall not import, export, or transport elephant ivory unless permission is granted by the DG.
13	Any person violating of failing to comply with section 4 paragraphs 1, or section 5 paragraph 1, or the Notification issued by virtue of section 18 paragraph 2, shall be subject to imprisonment not exceeding 3 years, or a fine not exceeding 6 million Baht, or both.

C Plants Act B.E.2518 as amended in B.E. 2535(1992) and B.E.2550 (2007)	
AGENCY	Ministry of Agriculture and Cooperatives, department of Agriculture
ARTICLE NO.	PROVISIONS
29 ter	No person shall import, export or transit of conserved plant or its debris, in exemption with the permission from the Director-General or his or her designated officials.
69 bis	Any person who violates the provisions referred to in section 29ter or does not comply with the provisions referred to in section 29tetra shall be charged with a term of imprisonment not exceeding three months, or a fine of not exceeding three thousand baht or both.

D Plant Quarantine Act, B.E. 2507 (1964)	
AGENCY	Ministry of Agriculture and Cooperatives, department of Agriculture
ARTICLE NO.	PROVISIONS
6 bis paragraph 2	No one shall import or export any plant germplasms declared in paragraph 1 by the Minister unless otherwise permitted by the Director-General and the importation of which shall be accompanied by a phytosanitary certificate.
8	Any person importing or bringing in transit prohibited articles shall receive permission from the Director-General and comply with the following rules. (1) The importation or bring in transit of prohibited articles for research purpose shall be accompanies with a phytosanitary certificate, or in case where the importation or bringing in transit of prohibited plant pest or carrier which is not plant, a certification letter from the authorized agency of the exporting country shall be required to accompany with such prohibited articles.
9	No one shall import or bring in transit any restricted articles unless the said restricted articles are accompanied by a phytosanitary certificate.
20 ter	Any person who does not comply with section 6 paragraph 2 or violates section 6bis paragraph 2, section 9 or section 18 shall be fined not exceeding 20,000 baht.
21	Any person who does not comply with Section 8, 10 and Section1 5bis paragraph 2 or Section 15hexa or violates section 14 shall be imprisoned not exceeding one year or fined not exceeding 20,000 baht, or both.

E Animal Epidemics Act B.E.2499 (1956)	
AGENCY	Ministry of Agriculture and Cooperatives, department of Livestock Development
ARTICLE NO.	PROVISIONS
21	No one may trade in elephants, horses, buffaloes, sheep, goats, pigs or other animals as prescribed in Ministerial Regulations or trade in carcasses as prescribed in Ministerial Regulations except upon obtaining a license from the registrar.

E Section continued

ARTICLE NO.	PROVISIONS
	<p>No one is permitted to sell, distributed, dispose of, exchange or to possess for purposes of trade, semen for breeding purposes, or embryo of elephants, horses, cattle, buffaloes, goats, sheep, pigs or other kinds of animals specified in the Ministerial Regulations, except upon obtaining a license from the registrar. Application for and granting of the permit shall follow the rules, procedures and conditions set by the Director General to be announced in the Government Gazette.</p>
31	<p>No one may import, export, or transit through the kingdom animals or carcasses without having obtained a license from the Director General.</p> <p>The Director General or person authorized by the Director General may prescribe such conditions as may deemed appropriate in the license.</p> <p>Importation, exportation, or transit through the kingdom of animal or carcasses under this Section shall be done at ports of entry or ports or exits as the case may be unless the Director General or person authorized by the Director General shall order otherwise.</p>
32	<p>Whoever imports, exports or transit through the kingdom animals or carcasses shall comply with the Ministerial Regulations.</p>
34	<p>Any person moving elephants, horses, cattle, buffaloes, goats, sheep, pigs, embryo, semen for breeding purposes or other kinds of animals specified in the Ministerial Regulations, or animal carcasses specified in the Ministerial regulations, to the provincial area , shall first obtain a permit from the local Veterinarian concerned.</p> <p>Upon issuing a permit under the preceding paragraph, the veterinarian may impose necessary conditions in the permit regarding the routes and types of vehicles to be used for transporting the animals, as well as animal transportation stations and animal quarantine station to be passed in accordance with the regulations set up by the Director General. The leading to animals for feeding or working from time to time is exempted.</p>
36	<p>Whoever exports animals or carcasses for sale abroad shall comply with Ministerial Regulations.</p>
42	<p>The violator of Section 12, Section 17, Section 21, Section 21 (b), or Section 28 shall be liable to imprisonment not exceeding 1 year or a fine not exceeding Baht 20,000 , or both.</p>
47	<p>The violator of Section 31, paragraph 1 or paragraph 3 or of the conditions specified in the license under Section 31, paragraph 2 shall be liable to imprisonment not exceeding 2 years, or a fine not exceeding Baht 40,000, or both.</p>
48	<p>The violator of Section 32, Section 35 or Section 36 shall be liable to imprisonment not exceeding 2 months, or to a fine not exceeding Baht 4,000, or both.</p>
49	<p>The violator of Section 34, paragraph 1 or of the conditions specified in the license under Section 34, paragraph 2 shall be liable to imprisonment not exceeding 2 months, or a fine not exceeding Baht 10,000, or both.</p>
50	<p>Any person using a false mark or changing the marking on an animal to give the impression of marking of the competent official, or destroying or changing any marking placed by competent official of animals, or container, or wrapper of carcass of animals, shall be liable to imprisonment not exceeding 2 months, or a fine exceeding Baht 10,000, or both.</p>

3.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT /ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

AGENCY	Thailand National Wildlife Law Network Committee (Thailand-WEN)
ARTICLE NO.	PROVISIONS
	<p>The Thailand National Wildlife Law Network Committee (Thailand-WEN), functions as the lead interagency platform to combat wildlife crime in Thailand. THAI-WEN also set up the National CITES Committee consisting of representatives from various organizations, such as National Parks, Wildlife and Plant Conservation Department, Department of Agriculture, Fisheries Department, Royal Thai Police, Customs Department, Forestry Department, Ministry of Foreign Affairs, and Zoological Parks Organization. This committee provides a significant stage for agencies to discuss and seek cooperation on CITES issues.</p> <p>Thailand Wildlife Enforcement Network (Thailand-WEN) is and will be the platform for anti-poaching and enforcement teams to work together by sharing information on illegal trade issues and smuggling routes as well as joint operations. Thailand will apply this model to curb illegal wildlife trade.</p>

3.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY AT LEAST FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY' OR BY LAW

A Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
47	Whoever acts in contravention of the provisions of Sections 16, 19, 20 paragraph one, or 23 paragraph one, shall be punished with imprisonment not exceeding four years or with a fine not exceeding forty thousand Baht, or both.

3.4 PROTECTION OF NON-NATIVE SPECIES

A Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]

B Ministerial Decree Specifying Certain Wildlife Species as Protected Species B.E. 2558 (No.3) (2015)

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
	There are selected non-native species gazetted to be protected under the WARPA.

3.5 CATEGORIES OF WILDLIFE

A Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
4	<p>“Wildlife” means all kinds of animals either terrestrial or aquatic, fowls, insects or arthropods which naturally exist, or things which originated from, or are found by nature and able to sustain life in the forest or water and includes insects’ eggs of all kinds of wildlife but excludes the beasts of burden which have been registered in accordance with the Beasts of Burden Code and its reproduction thereof ;</p> <p>“preserved wildlife” means the rare wildlife species according to the Schedule Annexed to this Act, and which is prescribed by the publishing a notice in the Royal Decree;</p> <p>“protected wildlife” means the protected wildlife in accordance with those specified in the ministerial regulations;</p> <p>“their carcasses” means the body or part of a dead wildlife’s body or the meat of wildlife either broiled, roasted, smoked or dried or otherwise preserved, and whether it be in form or dissected, also means the antler, skin, bone, tooth, tusk, horn, hair, scale and claw of wildlife regardless of whether it be alive or dead;</p>

5 Per definition in UNTOC

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>“Product made from the Wild Animal Carcasses” shall also mean a derivative or any other thing derived from Wild Animal or their carcasses which can be checked or categorized by its attached document or package or mark or label or others showing that it belongs to such animal according to the Minister’s notification and determination. [WARPA 2014]</p> <p>“propagation” means to regenerate wildlife which is brought for nursing by the breeding methods and also includes its offspring by the artificial breeding methods or by the transferring embryo;</p> <p>List of Protected Species as gazetted.</p> <p>List of protected species allowed for breeding as gazetted.</p> <p>List of Preserved Species as gazetted.</p>

B Plants Act B.E.2518 as amended in B.E. 2535(1992) and B.E.2550 (2007)	
AGENCY	Ministry of Agriculture and Cooperatives, department of Agriculture
ARTICLE NO.	PROVISIONS
3	<p>“Conserved plant” means plant species listed to the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) promulgated by the Minister in the government Gazette.</p>

C National Park Act, B.E. 2504 (1961)	
AGENCY	Royal Forest Department
ARTICLE NO.	PROVISIONS
3	<p>(2) “national park” means the land which is determined as national park under this Act;</p> <p>(3) “woody plant” includes plants of all kinds which are trees, brushwoods or creepers as well as all parts thereof;</p> <p>(4) “animal” means animals of all kinds including all parts thereof and things obtained therefrom or produced thereby;</p>

3.6 MECHANISM FOR REVIEW AND UPDATE OF PROTECTED SPECIES LIST

A Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]	
AGENCY	Minister of Ministry of National Resources and Environment
ARTICLE NO.	PROVISIONS
6	<p>The determination of any kind of wildlife to be protected shall be made by the ministerial regulations with the approval of the committee.</p> <p>The ministerial regulations issued under the first paragraph shall come into force on and from the date fixed therein, but not before sixty days from the date of their publication in the Government Gazette.</p>

3.7 HUNTING OF WILDLIFE

A *Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]*

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
4	<p>"hunt" means to collect, capture, trap, shoot, or kill wildlife, or to cause injury by any other means whatsoever to wildlife unowned and living free therein, and includes chasing, driving, calling and luring for the said purposes;</p>
7	<p>This Act shall not apply to the hunting of wildlife by any person on account of necessity or in self defense and under these conditions, such person shall not be liable to penalties, as follows:</p> <ol style="list-style-type: none"> (1) himself or any other person in danger or in the protection of or the maintenance of his own or any other person's property; (2) hunt or do any other means with a reasonable cause; and (3) in the event of the hunted wildlife being a preserved or protected wildlife, on person may move that wildlife or their carcasses away and shall inform the cause to the competent officer without delay. <p>The hunted wildlife and their carcasses under the provisions of the first paragraph shall belong to the State. The Royal Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee.</p>
15	<p>The committee has power and duty concerning the following matters:</p> <ol style="list-style-type: none"> (1) approval of any determination of Wildlife Sanctuaries under Section 33, to determine the Non-Hunting Wildlife Areas as well as the kind or category of wildlife hunting which is prohibited in such areas under Section 42; (2) governing any implementation in accordance with the provisions of Section 35; (3) determination of any activity to be carried out for the purposes of protection and maintenance of the Wildlife Sanctuaries and Non-Hunting Wildlife Areas;
16	<p>No person shall hunt or attempt to hunt the preserved or protected wildlife unless it has been performed by an official with the exception of the provisions of Section 26.</p>
36	<p>No person shall, within a Wildlife Sanctuary, hunt wildlife, either preserved or protected wildlife, or collect or endanger any nest, except for educational purposes or scientific research and written permission must be obtained from the Director-General with the approval of the committee.</p>
41	<p>No person shall, within the precinct of a monastery or a place provided for religious observance of the public, hunt wildlife either preserved or protected or not, or collect or endanger its nest.</p>
42	<p>The Minister may, with the approval of the committee, determine any place for the common use of the public to be an area in which the Non-Hunting Wildlife Area of any kind or category is prohibited by publishing a notice in the Government Gazette.</p> <p>After the Minister's notification has determined an area as one in which the Non-Hunting Wildlife Area of any kind or category is prohibited has been made, no person shall, as follows:</p> <ol style="list-style-type: none"> (1) hunt wildlife of any such kind or category; (2) collect or endanger any wildlife or its nest within the said area; (3) occupy or possess land or cut, fell, clear, destroy trees or any other flora, dig for mineral, excavate soil, rock, gravel or sand or pasture animals, change a waterway, or cause the water in a river, creek, swamp or marsh to overflow or dry up, close or obstruct a water course or way, or poison or endanger any wildlife, unless written permission has been

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>obtained from the Director-General or where the Director-General has been notified within a period of time in permission issued in any other particular prohibited area thereof.</p> <p>In cases where it is necessary for the educational purposes and scientific research in a Non-Hunting Wildlife Area, the competent officer or any other officer shall comply with the rules as laid down by the Director-General with the approval of the committee.</p>
66	<p>Permission issued for the hunting of preserved wildlife, permission issued for the hunting of all kinds of categories of protected wildlife, or permission issued for trading, or having in one's possession protected wildlife and their carcasses which has been issued them to any person prior to or on the date this Act, be enforceable until there shall be other ministerial regulations, stipulations, and notifications repealing them, containing the same provisions, being contrary to or consistent with them or otherwise provided.</p>
53	<p>Whoever acts in contravention of the provisions of Section 36, shall be punished with imprisonment not exceeding five years or with a fine not exceeding fifty thousand Baht, or both.</p>
54	<p>Whoever acts in contravention of the provisions of Section 38, or Section 42 paragraph two, shall be punished with imprisonment not exceeding seven years or with a fine not exceeding one hundred thousand Baht, or both.</p> <p>In cases where the Court has decided a final judgment in reference to the offence which the prosecution has instituted under Section 38, if any offender possessed, occupied, exploited or inhabited in a Wildlife Sanctuary, the Court is empowered to order the eviction of his dependents, workmen, employees, representatives and any other persons from such Wildlife Sanctuary.</p> <p>In the committing of the offence under the first paragraph of Section 38, the management of the timber or any other flora that has been cut, felled, or cleared, shall be in accordance with the rules as laid down by the Director-General with the approval of the committee. Such rules shall not notify to be disposal of to any person other than a government agency.</p>
B National Park Act B.E. 2504	
AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
16	<p>Within national park, no person shall have been complied with; ...</p> <p>...(15) take in any gear for hunting or catching animal or any weapon, unless permission is obtained from the competent official and the conditions prescribed by the latter</p>
21	<p>The competent official shall have the power to order the person committing an offence under section 16 to get out of the national park or to refrain from doing any act therein.</p>
27	<p>Any person who violates section 16 (15) shall be liable to a fine not exceeding five hundred baht.</p>

3.8 CAPTIVITY BREEDING

A *Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]*

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
4	<p>“propagation” means to regenerate wildlife which is brought for nursing by the breeding methods and also includes its offspring by the artificial breeding methods or by the transferring embryo;</p>
17	<p>The Minister is empowered, with the approval of the committee, to determine any kind of protected wildlife to be one of a kind of propagated wildlife as specified in the ministerial regulations.</p>
18	<p>No person shall propagate a preserved or protected wildlife, except:</p> <ol style="list-style-type: none"> (1) the propagation of protected wildlife of the kind as prescribed in accordance with the provision of Section 17, and permission must be obtained from the Director-General; (2) the propagation of preserved or protected wildlife by a person obtaining permission to establish and conduct a public zoo operation under Section 29, who has obtained permission from the Director-General to propagate preserved and protected wildlife in their possession for the purpose of a public zoo operation. <p>The application for permission and obtaining of permission for wildlife propagation under the provisions of the first paragraph and acquisition of protected wildlife for the purpose of propagation of permission holder under the provisions of (1) shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations and complies with the notifications as specified in the ministerial regulations and conditions as stated in permission.</p> <p>The permission issued under the provisions of (1) and (2) shall terminate after such permission holder has been filed as a dissolution of the wildlife propagation operation to the Director-General in accordance with the procedures as specified in the ministerial regulations.</p>
19	<p>No person shall keep in their possession preserved and protected wildlife and their carcasses unless it is protected wildlife of the kind as prescribed under Section 17, acquired such wildlife from propagation or their carcasses and permission must be obtained from the Director-General and complies with the notifications as specified in the ministerial regulations and conditions as stated in the permission.</p> <p>The application for permission and obtained of permission shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.</p> <p>Subject to the provisions of the first and second paragraph it shall not be applied to:</p> <ol style="list-style-type: none"> (1) possession of protected wildlife by a person who has obtained permission to propagate under Section 18 (1), having it for the purpose of propagation or acquired such wildlife from propagation and their carcasses; (2) possession of preserved and protected wildlife or their carcasses by a person who has obtained permission to establish and conduct a public zoo operation under Section 29, and otherwise provided for showing in the public zoo therein.
20	<p>No person shall trade in preserved and protected wildlife and their carcasses or carcass products unless it is protected wildlife of the kind as prescribed under Section 17, acquired such wildlife from propagation or their carcasses or carcass products and permission must be obtained from the Director-General.</p> <p>The application for permission and obtaining of permission shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.</p>
23	<p>[Para 2]...Importing or exporting preserved and [protected Wild Animal and their carcasses or Product made from the Wild Animal Carcasses shall not be permitted, unless it is the</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	importing or the exporting of the protected Wild Animal, their carcasses or Product made from the protected Wild Animal Carcasses acquired from propagation under Section 18(1), or lawfully acquired in accordance with the International Agreement on the Trade of Wild Animal, their carcasses and Product made from the Wild Animal Carcasses and permit must be obtained from the Director-General....
26	<p>The provisions of Sections 16, 18, 19, 21 and 23, shall not be applied to any work which has been performed by an official for the purposes of surveying, education and scientific research, the protection of wildlife, propagation or conducting a public zoo operation and written permission must be obtained from the Director-General and complies with the rules as specified by the Minister with the approval of the committee.</p> <p>In cases where a person of the first paragraph has permission for wildlife propagation operation under Section 18, establishing or conducting a public zoo operation under Section 29, the collection of service charges, fees or remuneration and its costs shall be in accordance with the rules as specified by the Minister with the approval of the committee.</p>
32	<p>Any person obtaining permission to establish and conduct a public zoo operation under Section 29 who desires to dissolve a public zoo operation, shall file the dissolution in writing in advance to the Director-General and shall not dispose of preserved and protected wildlife or their carcasses to any person other than a person obtaining permission to establish and conduct a public zoo operation under Section 29, or dispose of protected wildlife of the kind as prescribed under Section 17, or their carcasses to a person obtaining permission for wildlife propagation of the provisions of Section 18(1), but shall not exceed a period of one hundred and eighty days from the date of given dissolution to the Director-General.</p> <p>After the lapse of one hundred and eighty days under the first paragraph, if the preserved and protected wildlife or their carcasses are not disposed of or remain, they shall belong to the State and he shall be consigned them to the Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee.</p>
49	Whosoever possesses protected wildlife or their carcasses acquired from propagation without permission under Section 19, shall be punished with imprisonment not exceeding one year or with a fine not exceeding ten thousand Baht, or both.
50	Whosoever trades in protected wildlife or their carcasses acquired from propagation, or carcass products of such wildlife without permission under Section 20, shall be punished with imprisonment not exceeding two years or with a fine not exceeding twenty thousand Baht, or both.
67	<p>XXX for protected wildlife which is possessed with permission for trading in accordance with</p> <p>(4) the Wildlife Preservation and Protection Act, B.E.2503 (1960). After permission holder has been filed an application for permission for trading in acquired from propagation under Section 68, such permission shall have further possession to trade in the kind of protected wildlife as prescribed as the kind of protected wildlife acquired from propagation under Section 17, the permission holder shall dispose of such protected wildlife within a period of two years from the date of the notification given to the competent officer. After the lapse of such a period of time, if the protected wildlife which is not the kind of protected wildlife prescribed as the kind of protected wildlife acquired from propagation under Section 17, is not disposed of or remains, it shall belong to the State and he shall be consigned it to the Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee;</p> <p>(5) for carcasses of protected wildlife which are possessed with permission for trading in accordance with the Wildlife Preservation and Protection Act, B.E.2503 (A.D.1960). After the competent officer has inspected and recorded the kind of protected wildlife carcasses in his information, the Director-General shall grant temporary permission to such person, and he shall dispose of the protected wildlife carcasses within a period of three years</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	from the date of the receipt of the temporary permission from the competent officer, and he shall provide an information relating to the kind and the number of protected wildlife carcasses sold and shall forward such information each month to the competent officer in accordance with the rules laid down by the director-General. After the lapse of each period of time, if the protected wildlife carcasses are not disposed of or remain, they shall belong to the State and he shall be consigned them to Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee, unless they have otherwise been prescribed as the kids of protected wildlife carcasses acquired from propagation under Section 17, and such person has filed an application for permission to trade in carcasses acquired from propagation under Section 68.
68	<p>Whosoever operates wildlife propagation, trades in protected wildlife, their carcasses and carcass products acquired from propagation prior to or on the date on which this Act shall come into force, shall file an application for permission within thirty days from the date this Act comes into force. Thereafter, he may have further such operation until the Director-General has an order not to grant permission.</p> <p>In the event of the Director-General issuing an order not to grant permission under the first paragraph, the second paragraph of Section 43 shall apply, mutatis mutandis.</p>
69	Whosoever establishes and operates a public zoo prior to or on the date on which this Act shall come into force, shall file an application for permission within thirty days from the date this Act comes into force. After the competent officer has received the application, inspected the premise is in the proper manner in accordance with the provisions of the second and third of Section 30, and Section 31, and recorded in his information relating to the kind and the number of the preserved and protected wildlife and their carcasses. Therefore, the Director-General shall issue permission to establish and conduct a public zoo operation acquired from propagation under Section 17, and such person has filed an application for permission to trade in carcasses acquired form propagation under Section 68.
B Plants Act B.E.2518 as amended in B.E. 2535(1992) and B.E.2550 (2007)	
AGENCY	Ministry of Agriculture and Cooperatives, department of Agriculture
ARTICLE NO.	PROVISIONS
3	Artificial propagation means propagation of plant that deviates from its existing in form by nature in accordance with criteria, procedures and conditions stipulated by the Director-General.
29 tetra	<p>Any person who wishes to operate his or her business in artificial propagation for trade shall file and application for the registration of a nursing place for conserved plant to the Department of Agriculture.</p> <p>The application for and registration of nursery shall be in accordance with the criteria, procedures and conditions stipulated by the Director-General in the Government Gazette.</p> <p>The certificate for nursery registration of conserved plant shall be valid for five years form the date of issuance.</p>
61 bis	Any person who violates the provisions referred to in section 29ter or does not comply with the provisions referred to in section 29tetra shall be charged with a term of imprisonment not exceeding three months, or a fine of not exceeding three thousand baht or both.

C Fisheries Act B.E. 2497

AGENCY	Department of Fisheries
ARTICLE NO.	PROVISIONS
4	<p>(1) "Aquatic animals" means animals that inhabit or have one part of their life cycles in water or inhabit in inundated area such as fish, shrimps, crabs, horseshoe crabs, mollusks, tortoises, turtles, snapping turtles, crocodiles, including their eggs, mammals, sea-cucumbers, sponges, coral, coralline and marine algae, as well as their carcasses or any part of them and includes water plants as specified by a Royal Decree."</p> <p>(1) "Aquatic animal products" means the products produced with the aquatic animals as bis specified by a Royal Decree to be raw materials."</p> <p>(2) "To fish" means to catch, to trap, to injure, to kill, or to take aquatic animals in fishery waters with any fishing implement or by any method;</p> <p>(5) "Fisheries" means land with still or running water such as sea, river, canal, swamp, marsh, pond and beach, which are domaine public of State, including forest and ground which are inundated during flood season, notwithstanding that it be domaine public of State or the land owned by any person, and being within territorial waters, or any other waters in which Thailand exercises or may be entitled to exercise its fishery rights, as such waters publicly appear to be delimited by local or international law or usage, by treaty or in any other way;</p> <p>(9) "Permit" means license issued by competent official to a person to fish and to cultivate aquatic animals in the reserved fisheries;</p>
7	The Provincial Council with the approval of the Minister, is empowered to make notification determining fisheries within their province to be in the category of preservation fisheries, leasable fisheries, or reserved fisheries.
8	Preservation fisheries are fisheries lying within or adjoining to the compound of a monastery or place of worship, zones of the navigation lock, regulator, weir or dam, or places which are suitable for the conservation of aquatic animals.
9	Section 9. - No person can fish or cultivate aquatic animals in the preservation fisheries, unless permission has been obtained from the Director-General.
10	Leasable fisheries are fisheries in which exclusive right to fish and to cultivate aquatic animals should be granted to a person by means of tendering.
11	No person other than licensee shall fish or cultivate aquatic animals in leasable fisheries. The licensee must comply with the conditions imposed by the Director-General. Fishing in leasable fisheries for the purpose of family consumption is permissible, provided that the fishing implements used must be in accordance with those determined in the notification by the Provincial Council with the approval of the Minister.
12	Reserved fisheries are fisheries in which a person has been permitted to fish or to cultivate aquatic animals, and include trapping ponds.
13	No person other than the licensee shall fish aquatic animals in reserved fisheries.
16	Public fisheries are fisheries in which every person has the right to fish and to cultivate aquatic animals. Any person fishing and cultivating aquatic animals in public fisheries must comply with the conditions imposed by the Minister and published in the Government Gazette.

3.9 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE

A *Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]*

AGENCY Department of National Parks, Wildlife and Plant Conservation

ARTICLE NO.	PROVISIONS
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23	<p>Subject to Section 24, no person shall import or export Wild Animal and their carcasses or Product made from the Wild Animal Carcasses of the kind as notified and specified by the Minister or pass preserved Wild Animal and their carcasses, Product made from the preserved Wild Animal Carcasses, the protected Wild Animal Carcasses, or Product made from the protected Wild Animal Carcasses through the Kingdom unless permission has been obtained from the Director-General.</p> <p>Importing or exporting preserved and protected Wild Animal and their carcasses or Product made from the Wild Animal Carcasses shall not be permitted, unless it is the importing or the exporting of the protected Wild Animal, their carcasses or Product made from the protected Wild Animal Carcasses acquired from propagation under Section 18(1), or lawfully acquired in accordance with the International Agreement on the Trade of Wild Animal, their carcasses and Product made from the Wild Animal Carcasses and permit must be obtained from the Director-General.</p> <p>The application for permission and obtaining of permission of the paragraph 1 and 2 shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.</p>
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24	<p>Importing, exporting or passing through Wild Animal, their carcasses or Product made from the Wild Animal Carcasses shall require written permit or a certificate of importing, exporting or passing through, according to the International Agreement on the Trade of Wild Animal, their carcasses and Product made from the Wild Animal Carcasses, and such permit or a certificate must be obtained from the Director-General.</p> <p>The application for such permit or a certificate and the issuance of such permit or a certificate must be in accordance with the regulations, method and conditions stipulated in the ministerial regulations.</p>
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25	<p>The permit holder shall obtain the permission from the Director-General on the movement for trading in protected Wild Animal and their carcasses under Section 20. Moreover, the permit holder shall inform, in writing, the competent officer in charge of that Wild Animal Check Point by presenting the permit of the movement for trading in protected Wild Animal and their carcasses. After the written permit has been inspected and obtained by the competent officer in charge, such protected Wild Animal and their carcasses may be moved further.</p> <p>The application for such permit and the issuance of such permit must be in accordance with the regulations, method and conditions stipulated in the ministerial regulations.</p>
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B Ivory Trade Act B.E. 2558 (2015)	
AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
5	<p>Any person shall not import, export, or transport elephant ivory unless permission is granted by the Director-General.</p> <p>Rules, procedures, and conditions for lodging an application for permission and granting permission shall be in accordance with relevant Ministerial Regulations.</p> <p>A person obtaining permission must observe the provisions of the Ministerial Regulations and conditions stipulated in the license.</p>
13	Any person violating or failing to comply with Section 4 paragraph 1, or Section 5 paragraph 1, or the Notification issued by virtue of Section 18 paragraph 2, shall be subject to imprisonment not exceeding three years; or a fine not exceeding six million baht; or both.
14	Any person violating Section 6 paragraph 1 or paragraph 5, or Section 7 paragraph 1 shall be subject to a fine not exceeding three million baht.

C Plants Act B.E.2518 as amended in B.E. 2535(1992) and B.E.2550 (2007)	
AGENCY	Ministry of Agriculture and Cooperatives, department of Agriculture
ARTICLE NO.	PROVISIONS
29 ter	No person shall import, export or transit of conserved plant or its debris, in exemption with the permission from the Director-General or his or her designated officials.
61 bis	Any person who violates the provisions referred to in section 29ter or does not comply with the provisions referred to in section 29tetra shall be charged with a term of imprisonment not exceeding three months, or a fine of not exceeding three thousand baht or both.

D Animal Epidemics Act B.E.2499 (1956)	
AGENCY	Ministry of Agriculture and Cooperatives, department of Livestock Development
ARTICLE NO.	PROVISIONS
4	<p>"Animal" means</p> <ol style="list-style-type: none"> (1) Elephants, horses, cattle, buffaloes, donkeys, mules, goats, sheep, pigs, dogs, cats, rabbits, gibbons and shall mean to include the semen for breeding purposes and embryo (young of animals not yet develop completed visceral organs) of these animals." (2) Poultry of the classifications: birds, chicken, duck, geese, and shall include the eggs for fertilization, and, (3) Other kinds of animals as may by determined by Ministerial Regulations; <p>"Carcass " means the body or part of the body of a dead animal which has not yet been changed into cooked food or a finally processed product and shall include tusks, horns, and hair cut from animal while alive but which have not yet been changed into things in final processed forms.</p>
31	<p>No one may import, export, or transit though the kingdom animals or carcasses without having obtained a license from the Director General.</p> <p>The Director General or person authorized by the Director General may prescribe such conditions as may deemed appropriate in the license.</p> <p>Importation, exportation, or transit through the kingdom of animal or carcasses under this Section shall be done at ports of entry or ports or exits as the case may be unless the Director General or person authorized by the Director General shall order otherwise.</p>
32	Whoever imports, exports or transit through the kingdom animals or carcasses shall comply with the Ministerial Regulations.

D Section continued	
ARTICLE NO.	PROVISIONS
47	The violator of Section 31, paragraph 1 or paragraph 3 or of the conditions specified in the license under Section 31, paragraph 2 shall be liable to imprisonment not exceeding 2 years, or a fine not exceeding Baht 40,000, or both.
48	The violator of Section 32, Section 35 or Section 36 shall be liable to imprisonment not exceeding 2 months, or to a fine not exceeding Baht 4,000, or both.

3.10 ILLEGAL POSSESSION OF PROTECTED WILDLIFE

A *Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]*

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
19	<p>No person shall keep in their possession preserved and protected wildlife and their carcasses unless it is protected wildlife of the kind as prescribed under Section 17, acquired such wildlife from propagation or their carcasses and permission must be obtained from the Director-General and complies with the notifications as specified in the ministerial regulations and conditions as stated in the permission.</p> <p>The application for permission and obtained of permission shall be in accordance with the stipulations, procedures and conditions as specified in the ministerial regulations.</p> <p>Subject to the provisions of the first and second paragraph it shall not be applied to:</p> <ol style="list-style-type: none"> (1) possession of protected wildlife by a person who has obtained permission to propagate under Section 18 (1), having it for the purpose of propagation or acquired such wildlife from propagation and their carcasses; (2) possession of preserved and protected wildlife or their carcasses by a person who has obtained permission to establish and conduct a public zoo operation under Section 29, and otherwise provided for showing in the public zoo therein.
21	<p>No person shall collect, endanger or keep in their possession nests of preserved or protected wildlife.</p> <p>Subject to the provisions of the first paragraph, it shall not be applied to any person obtaining permission to collect the Edible-Nest Swiftlet' nests in accordance with the Taxes and Trades of the Edible-Nest Swiftlet' Nests Code (Aerodromes fuciphagus) and a person who works under this permission shall comply with the rules as prescribed by the Director-General as a published notice in the Government Gazette.</p>
49	Whosoever possesses protected wildlife or their carcasses acquired from propagation without permission under Section 19, shall be punished with imprisonment not exceeding one year or with a fine not exceeding ten thousand Baht, or both.
61	<p>When the ministerial regulations, under the paragraph 1 of Section 6. come into force, the operation to an additional kind of protected Wild Animal, their carcasses or the Product made from their carcasses possessed by any person prior to the date on which the ministerial regulations come into force, shall be as follows:-</p> <ol style="list-style-type: none"> (1) In case of the protected Wild Animal, the owner or a possessor of the protected Wild Animal shall inform the kind and the number of such protected Wild Animal under his possession to the competent officer within a period of ninety days as from the date on which the ministerial regulations come into force. After the competent officer has completed an inspection, if the owner or possessor does not desire to possess with nursing further, he shall dispose of the protected Wild Animal to a person obtaining permission to establish and conduct a public zoo operation under Section 29., or to dispose of the protected Wild Animal as specified under Section 18., within one hundred and twenty days from the date of the notification given to the competent officer. Moreover, after the lapse of such period of time, if the protected Wild Animal remains, it shall belong to the State and the owner or the possessor shall consign it to the Department of National Parks, Wildlife

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>and Plant Conservation or the Department of Fisheries, as the case may be, in order to implement the rules laid down by the Director-General with the approval of the committee. In case where the protected Wild Animal is specified as the kind under Section 17., the owner or possessor who desires for the purpose of Wild Animal propagation shall file an application for propagation permit under Section 18. within thirty days as from the date on which notification is given to the competent officer. Thereafter, he may have further possession of such protected Wild Animal.</p> <p>If the owner or possessor of the protected Wild Animal desires to possess with nursing further, the competent officer shall inspect the level of maintenance of care and safety for the protected Wild Animal, the Director-General, if he considers that the protected Wild Animal have received the appropriate maintenance with due care and safety, may issue a temporary possession permit to the owner or possessor thereof. Such permit shall be valid only for the remaining period of such protected Wild Animal, and the permit holder shall comply with the stipulations as specified by the Minister with the approval of the committee, and whenever such protected Wild Animal is increased in number by its reproduction or death, the permit holder shall inform, in writing, the notification to the competent officer.</p> <p>(2) For carcasses of protected Wild Animal, the owner or possessor shall inform the kind and the number of their carcasses under his possession to the competent officer within ninety days of the date on which the ministerial regulations come into force in order to register them, and such person may have further possession according to the regulations stipulated by the Director-General and having been published in the government gazette.</p>

B Ivory Trade Act B.E. 2558 (2015)	
AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
6	<p>Any person possessing elephant ivory not for the commercial purposes shall notify the Director-General of his/her possession and present documents of elephant ivory acquisition under the law on beasts of burden in accordance with the rules, procedures, and conditions prescribed by the Minister.</p> <p>After being notified of possession, the Director-General shall issue a document of possession of elephant ivory for the person notifying possession as evidence thereof in accordance with the form prescribed by the Minister.</p> <p>After the Director-General has been notified of possession, if it is found that there are reasonable grounds to suspect that the elephant ivory is not the ivory considered under the law on beasts of burden, the Director-General may order the possessor of elephant ivory to provide relevant documents or evidence for further proof.</p> <p>The reasonable grounds and proof of relevant documents or evidence under paragraph 3 shall be prescribed by the Minister.</p> <p>In cases where the owner or possessor fails to prove that the elephant ivory in his/her possession is taken from an elephant deemed to be a beast of burden, such ivory shall devolve upon the State, and the owner or possessor shall deliver the ivory to Department of National Parks, Wildlife and Plant Conservation within thirty days from the date the order issued by the Director-General is received.</p> <p>If case of disagreement with the order issued by the Director-General under paragraph 5, the owner or possessor shall have the right to lodge an appeal with the Minister within fifteen days from the date the owner or possessor is notified of such order.</p> <p>The decision given by the Minister shall be final.</p>
13	<p>Any person violating or failing to comply with Section 4 paragraph 1, or Section 5 paragraph 1, or the Notification issued by virtue of Section 18 paragraph 2, shall be subject to imprisonment not exceeding three years; or a fine not exceeding six million baht; or both.</p>

B Section continued	
ARTICLE NO.	PROVISIONS
14	Any person violating Section 6 paragraph 1 or paragraph 5, or Section 7 paragraph 1 shall be subject to a fine not exceeding three million baht.
18	<p>Any person engaging in the commercial trade of elephant ivory on the date this Act is effective shall lodge an application for permission with the Director-General within ninety days from the date of effectiveness of this Act. Such person shall also prepare lists indicating the acquisition, transformation, and commercial trade of elephant ivory. When an application has been lodged, such person shall be able to engage in the commercial trade of elephant ivory until he/she is notified of rejection of permission by the Director-General.</p> <p>Lodging an application for permission and preparation of the lists indicating the acquisition, transformation, and commercial trade of elephant ivory shall be in accordance with the rules, procedures, and conditions prescribed by the Director-General and published in the Government Gazette.</p>
19	<p>Any person obtaining or possessing elephant ivory prior to the date of effectiveness of this Act shall notify the Director-General of the possession, and the size and amount, of elephant ivory, as well as send photographs of the elephant ivory within ninety days from the date of effectiveness of this Act, and the Director-General shall issue a document of possession for the person notifying possession as evidence in accordance with the form prescribed by the Minister.</p> <p>After the Director-General has been notified of possession, if it is found that there are reasonable grounds to suspect that the elephant ivory is not the ivory under the law on beasts of burden, the Director-General may order the possessor of elephant ivory to provide relevant documents or evidence for further proof, and the provisions of Section 6 paragraph 5, paragraph 6, and paragraph 7 shall apply mutatis mutandis thereto.</p> <p>Rules, procedures, and conditions for notifying the Director-General of possession under paragraph 1, the reasonable grounds, and provision of relevant documents or evidence for further proof shall be in accordance with the Notification issued by the Director-General and published in the Government Gazette.</p>

3.11 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
57	All weapons, tools, instruments, beasts of burden, vehicles or other heavy equipment acquired or used in the committing of an offence in violation of this Act or used to obtain commission in offence of the provisions of Sections 16, 36, 38, 41, or 42 paragraph two, shall be confiscated regardless of whether they belong to the offender, and such person is convicted.
58	<p>All preserved or protected wildlife and their carcasses, or nests, or their products acquired or possessed in violation of this Act shall be confiscated.</p> <p>All things confiscated shall belong to the State, the Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules as laid down by the Director-General with the approval of the committee.</p>

B Plants Act B.E.2518 as amended in B.E. 2535(1992) and B.E.2550 (2007)

AGENCY	Ministry of Agriculture and Cooperatives, department of Agriculture
ARTICLE NO.	PROVISIONS
39 ter	The authorized official shall confiscate or re-export any unlawful importing conserved plant in accordance with this Act. In the case of seizure of conserved plant, such conserved plant shall fall into the Department of Agriculture possession. In the case of returning to

B Section continued	
ARTICLE NO.	PROVISIONS
	its sender, the country of origin must yield a consent for returning of such conserved plant and pay for the burden of transportation expenses, vice versa, if the country of origin is neither yielding a consent nor paying the expenses, the conserved plant in question shall belong to the Department of Agriculture.
45	Seed, conserved plant, container, label, account book or any documents from seizure or hold referred to in section 39(3) shall fall into the possession of the Department of Agriculture to manage where appropriate, in case where there is no claim from the owners or occupant, or in case where the case is withdrawn by the public prosecutor, or the final court judgment is not to confiscate and the owner or occupant does not claim within ninety days from the date of confiscation or hold, or the date of public prosecutor withdrawal or the date of the final court judgment against confiscation, wherever the case may be.

C Fisheries Act B.E. 2497	
AGENCY	Department of Fisheries
ARTICLE NO.	PROVISIONS
69	Vessels, fishing implements, aquatic animals and other things used in or acquired through the commission of an offence under this Act may be forfeited by the Court. But, if such things were used in or acquired through the commission of an offence in any preservation fisheries of in violation of Section 20, they shall be forfeited by the Court.

D National Park Act B.E. 2504	
AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
29	All the weapons, instruments, utensils and vehicles used by any person in committing the offence of clearing or burning the forest under section 16 (1), or the offence of endangering or deteriorating woody plant under section 16 (1), or the offence of endangering the animals under section 16 (3), or the offence of endangering or deteriorating soil, rock, gravel or sand under section 16 (4), shall be forfeited regardless of whether they belong to the offender and whether any person is convicted or not.

3.12 HANDLING PROCEDURE FOR LIVE AND DEAD CONFISCATED SPECIMEN

A Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]	
AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
58	All preserved or protected wildlife and their carcasses, or nests, or their products acquired or possessed in violation of this Act shall be confiscated. All things confiscated shall belong to the State, the Royal Forest Department or the Department of Fisheries, as the case may be, in order to implement the rules as laid down by the Director-General with the approval of the committee.

3.13 REPATRIATION OF CONFISCATED SPECIMEN

A *Plants Act B.E.2518 as amended in B.E. 2535(1992) and B.E.2550 (2007)*

AGENCY	Ministry of Agriculture and Cooperatives, department of Agriculture
ARTICLE NO.	PROVISIONS
39 ter	The authorized official shall confiscate or re-export any unlawful importing conserved plant in accordance with this Act. In the case of seizure of conserved plant, such conserved plant shall fall into the Department of Agriculture possession. In the case of returning to its sender, the country of origin must yield a consent for returning of such conserved plant and pay for the burden of transportation expenses, vice versa, if the country of origin is neither yielding a consent nor paying the expenses, the conserved plant in question shall be belong to the Department of Agriculture.

3.14 REWARD FOR INFORMANTS

A *Fisheries Act B.E. 2497*

AGENCY	Department of Fisheries
ARTICLE NO.	PROVISIONS
71	Any person who commits an offence under this Act must pay the informer a reward in money not exceeding two thousand baht according to the rules determined by the Minister, and must compensate for the expenses which the competent official has spent in the carrying out of Section 59. In the case where the offender is punished by the Court, he must be adjudged to pay the said monies, failing which Section 18 of the Penal Code shall be dealt with as in the case of fine.

B *Forest Act B.E. 2484*

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
74 quattuor	<p>If there is a person who directs to arrest an offender under this Act, the public prosecutor shall request the Court to pay reward to that person. In this case, the Court may order to pay reward in an amount not exceeding half of an amount of fine to be paid under the judgment of the Court. Money to be paid as reward shall be deducted from paid up fine. If an offender fails to pay fine or an amount of paid up fine is not enough to pay for reward, money to be paid as reward shall be deducted from money acquired by selling things seized under the order of the Court. The portion left is discharged.</p> <p>If there are many persons who direct to arrest an offender, reward shall be divided equally. Reward shall be paid when the case is final.</p>

3.15 ENFORCEMENT POWERS – ENTRY, SEARCH, SEIZURE, ARREST

A *Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]*

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
45	In arresting and suppressing any person committing an offence under this Act, the competent officer shall be regarded as the administrator or the police officer in accordance with the Criminal Procedure Code.

B *Ivory Trade Act B.E. 2558 (2015)*

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
9	<p>In the execution of this Act, an official shall have the power to take the following actions:</p> <p>(1) to enter a place where the commercial trade of elephant ivory is permitted between sunrise and sunset or during office hours of such a place in order to inspect the operation, examine</p>

B Section continued	
ARTICLE NO.	PROVISIONS
	<p>relevant documents, or obtain evidence or information, as well as observe any violation of or failure to comply with the provisions of this Act, relevant Ministerial Regulations and Notifications, or conditions stipulated in a license;</p> <p>(2) to search in any place or vehicle in accordance with the Criminal Procedure Code if there are reasonable grounds to suspect that an offence under this Act is committed therein, as well as to seize or attach the elephant ivory, or any document, evidence, or object related to the commission of offence under the this Act for the benefit of examination or prosecution;</p> <p>(3) to summon, in writing, any person to give a statement or submit any document or object for consideration related to the commission of offence under this Act.</p> <p>In the performance of duties under (1), an official must not take any action in a manner of search under the Criminal Procedure Code;</p>

C Fisheries Act B.E. 2497	
AGENCY	Department of Fisheries
ARTICLE NO.	PROVISIONS
57	<p>When any person is found committing an offence under this Act or there is a reasonable ground to suspect that he has committed such offence, the competent official shall have the power to arrest that person and seize the fishing implements, aquatic animals and other things which are used in committing the offence for legal proceedings.</p>

D Forest Act B.E. 2484	
AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
64	<p>A competence officer shall be deemed to be an administrative officer or police under the Criminal Procedure Code in an execution of this Act related to criminal offense.</p> <p>Section 64 duo. A competence officer shall have the power to seize all equipments, utensils, beasts of burden, vehicles or machines which are used, or suspected to be used; in committing an offense or which are instruments used for an offense under Section 11, Section 48, Section 54 or Section 69 as evidence in the case until final non-prosecution order is made by a public prosecutor or the case is final.</p> <p>As for property seized under the provisions of paragraph one, if a public prosecutor has a non-prosecution order or the Court has no order to seize it and owner or a person having possessory right therein fails to recall it within six months as from the date he or she acknowledges, or deemed to be acknowledge, a non-prosecution order or the date in which the case is final, as the case may be, such property shall devolve on the Department of Forest.</p> <p>If a seized property may be damage or expenditure to keep or maintain such property may exceed its value, the Minister or his or her entrusted person may auction such property before the expiration of period prescribed in paragraph two. Gross return shall be seized instead of such property</p>

E Plants Act B.E.2518 as amended in B.E. 2535(1992) and B.E.2550 (2007)	
AGENCY	Ministry of Agriculture and Cooperatives, department of Agriculture
ARTICLE NO.	PROVISIONS
39	<p>In carrying out the duty of the official, the authorized official shall be empowered to issue order in writing to summon any person for testimony or to submit relevant documents or other materials for supporting its consideration. The authorized official shall also have power to pay a visit to place of collection of controlled seed for trade, place of sale of controlled seed, place of storage of controlled seed for trade or nursery of conserved plant during sunrise to sunset or search conveyance which contains seed or conserved plant, in the case where there is reasonable ground to suspect of any wrong doings in</p>

E Section continued	
ARTICLE NO.	PROVISIONS
	<p>accordance with this Act for the following tasks:</p> <ol style="list-style-type: none"> (1) examine seed, conserved plant, container, label, account book or any document related to the seed or conserved plant in question; (2) collect a reasonable quantity of seed or substance that is suspicious to be deteriorated seed, adulterated seed or conserved plant as sample for testing, examination or analysis; (3) search, confiscate or hold seed or conserved plant in question , container, label, account book or any document in relation to such seed or conserved plant. <p>In carrying out the duty of official referred to in paragraph 1, the licensee or the person acting on his or her behalf must provide reasonable facilitation at the premise.</p>
39 bis	The official is empowered to search any warehouse, vehicle, baggage, package and person within the jurisdiction of designated plant quarantine stations, promulgated in accordance with the Plant Quarantine Act as well as customs point of entry, checkpoint, border station, custom district and approved route promulgated by the Customs Act.
41	Articles seized in the course of searching shall be wrapped r packed and stamped with a seal or mark as proof of evidence thereof.

3.16 ESTABLISHMENT OF CONSERVATION FUND WHERE PROCEEDS FROM SEIZED ASSETS OF WILDLIFE OFFENCES GO TO A DEDICATED FUND, WHICH CAN BE USED BY ENFORCEMENT AGENCIES OF WENS

A Wild Animal Preservation and Protection Act B.E. 2535 [as amended by B.E. 2557 (2014)]

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
46	<p>The Director-General, if he deems it appropriate to require from the public payment for services of facilities given by the competent officer in a Wildlife Sanctuary or Non-Hunting Wildlife Area, or to require any person to pay fees or remuneration for permission to carry on any activity or to sojourn therein, he is empowered to fix the rates and lay down the rules concerning the collection of the said service charges, fees or remuneration, with the approval of the committee.</p> <p>Money, collected under the first paragraph, donated as a fund for maintenance of a Wildlife Sanctuary or Non-Hunting Wildlife Area shall be exempted from any tax or duty, and kept as expenditure for maintenance of a Wildlife Sanctuary or Non-Hunting Wildlife Area in accordance with the stipulations as specified by the Minister with the approval of the committee.</p>

A National Park Act B.E. 2504

AGENCY	Department of National Parks, Wildlife and Plant Conservation
ARTICLE NO.	PROVISIONS
23	<p>If the Director-General thinks it appropriate to require from the public any payment for services or facilities given by the competent official in the national park, or to require any person to pay fee or remuneration for permission to carry on any activity or to sojourn therein, the Director-General is empowered to fix the rates and lay down the Rules concerning the collection of the said service charge, fee or remuneration with the approval of the Minister.</p> <p>Money collected under the preceding paragraph, fund donated for maintenance of the national park, fine accruing from settlement of the case conducted by the competent official under section 28 and other kinds of income shall be exempted from any tax or duty, and kept as the expenditure for maintenance of the national park according to the rules and procedure prescribed by the Director-General and approved by the Minister.</p>

4 KEY PROVISIONS OF OTHER LAWS

4.1 PENAL CODE	
A Penal Code 1861 (as amended 1948)	
AGENCY	Royal Thai Police
ARTICLE NO.	PROVISION
143	Whoever, demanding, accepting or agreeing to accept a property or any other benefit for himself or the other person as a return for inducing or having induced, by dishonest or unlawful means, or by using his influence, any official, member of the State Legislative Assembly, member of the Changwat Assembly or member of the Municipal Assembly to exercise or not to exercise any of his functions, which is advantageous or disadvantageous to any person, shall be punished with imprisonment not exceeding five years or fine not exceeding ten thousand Baht, or both.
144	Whoever, giving, offering or agreeing to give the property or any other benefit to the official, member of State Legislative Assembly, member of Provincial Assembly or member of Municipal Assembly so as to induce such person to do or not to do any act, or to delay the doing of any act contrary to one's own duty, shall be imprisoned not out of five years or fined not out of ten thousand Baht, or both.
145	Whoever, professing himself to be an official and exercising the functions of an official without being an official having the power to do so, shall be punished with imprisonment not exceeding one year or fine not exceeding two thousand Baht, or both. Any official, who has been duly ordered to discontinue further exercise of his functions still continues to exercise such functions, shall be liable likewise to the punishment as provided in the first paragraph.
146	Whoever, not to have the right to wear the uniform or insignia of any of official, member of State Legislative Assembly, member of Provincial Assembly or member of Municipal Assembly, or not to have the right to use any of official title, rank, decoration or thing to symbolize the decoration, and to do so in order to be believed by other person that oneself has the right to wear those things, shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.
148	Whoever, to be the official, by a wrongful exercise of one's functions, to coerce or to induce any person to deliver or to procure the property or any other benefit for oneself or other person, shall be imprisoned as from five years to twenty years or to life imprisonment, and fined as from two thousand Baht to forty thousand Baht, or both.
152	Whoever, being an official having the duty of managing or looking after any activity, takes the interest for the benefit of himself or the other person concerning such activity, shall be punished with imprisonment of one to ten years and fine of two thousand to twenty thousand Baht.
155	Whoever, to be official to have the duty to assess any of property-value or goods for collection of the taxes, duties or fees according to the law dishonestly, to such property-value or goods so as to such person to have the duty to pay the tax, duties or fees without to pay or to pay less than of which shall be paid by such person, shall be imprisoned as from five years to twenty years or life imprisonment and fined as from two thousand Baht to forty thousand Baht.
157	Whoever, being an official, wrongfully exercises or does not exercise any of his functions to the injury of any person, or dishonestly exercises or omits to exercise any of his functions, shall be punished with imprisonment of one to ten years or fined of two thousand to twenty thousand Baht, or both.

A Section continued	
ARTICLE NO.	PROVISIONS
251	Whoever, forges a seal or impression of such seal of a Political Bureau a public organization or an official, shall be punished with imprisonment of one to seven years and fined of two thousand to fourteen thousand Baht.

4.2 ANTI-MONEY LAUNDRING

A Anti-Money Laundering Act B.E. 2542 (1999) (No.4) B.E. 2556 (2013)

AGENCY	Commission Office of Bribery Eradication
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ARTICLE NO.	PROVISION
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3	<p>The following shall be added as (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) and (21) of the definition of “predicate offense” in Section 3 of the Anti-Money Laundering Act, B.E. 2542 amended by the Anti-Money Laundering Act (No. 2) B.E. 2551.</p> <p>(10) “offense relating to being a member of a racketeering group under the Penal Code or participating in an organized criminal group which constitutes an offense under relevant laws;</p> <p>(15) offence relating to the unlawful use, holding, or possessing of natural resources or a process for illegal exploitation of natural resources with a nature of business conduct;</p>
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5	<p>(1) Whoever transfers, receives the transfer, or changes the form of an asset involved in the commission of an offense, for the purpose of concealing or disguising the origin or source of that asset, or for the purpose of assisting another person either before, during, or after the commission of an offense to enable the offender to avoid the penalty or receive a lesser penalty for the predicate offense; or</p> <p>(2) acts by any manner which is designed to conceal or disguise the true nature, location, sale, transfer, or rights of ownership, of an asset involved in the commission of an offense shall be deemed to have committed a money laundering offense.</p>
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6	<p>Whoever commits a money laundering offense, even if the offense is committed outside the Kingdom, shall receive the penalty in the Kingdom, as provided in this Act, if:</p> <p>(1) either the offender or co-offender is a Thai national or resides the Kingdom;</p> <p>(2) the offender is an alien and has taken action to commit an offense in the Kingdom or is intended to have the consequence resulting therefrom in the Kingdom, or the Royal Thai Government is an injured party; or</p> <p>(3) the offender is an alien whose action is considered an offense in the State where the offense is committed under its jurisdiction, and if that individual appears in the Kingdom and is not extradited under the Extradition Act, Section 10 of the Penal Code shall apply mutatis mutandis.</p>
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10	<p>Whoever, in the capacity as a public official, member of the House of Representatives, member of the House of Senators, member of a Local Administration Council, Local Administrator, Government Official, Employee of a local administration organization, or employee of organization or a public agency, member of a board, manager, or executive official, or employee of a state enterprise, or member of a board, manager, or any individual who is responsible in the management of financial institution, or member of any organizations under the Constitution commits an offense under this chapter shall receive two times the punishment provided by law for such offense.</p> <p>Any Member of the Board, or Member of Sub-Committee, or Member of the Transaction Committee, or Secretary-general, or Deputy Secretary-general, or competent official empowered to act in accordance with this Act, who commits an offense under this chapter shall receive three times the punishment provided by law for such offense.</p>
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60	Any individual who is found guilty of the crime of money laundering shall receive a term of imprisonment of one to ten years, or a fine of twenty thousand to two hundred thousand Baht, or both.
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4.3 CUSTOMS

A Export and import of Goods Act B.E.2522 (1979)

AGENCY Ministry of Commerce and the Ministry of Finance

ARTICLE NO.	PROVISIONS
5	<p>In the case where it is necessary or appropriate for economic stability, public benefit, public health, national security, public orders or good morals, or other benefits of the State, the Minister of Commerce shall, with the approval of the Council of Ministers, have the power to issue Notifications in the Government Gazette on any of the following matters:</p> <ol style="list-style-type: none">(1) specifying any goods to be prohibited for export or import;(2) specifying any goods which require a licence prior to the export or import;(3) specifying the categories, kinds, quality, standards, quantity, volume, size, weight, prices, trade names, sign, trade marks, origin for the goods to be exported or imported as well as the countries to or from which the goods are exported or imported;(4) specifying the categories and kinds of goods liable to export or import surcharge;(5) specifying the goods to be exported or imported to have a certificate of origin, certificate of quality or other certificates pursuant to international conventions or trade practices;(6) specifying other matters for the benefit of laying down regulations on the export and import under this Act. <p>The provisions of paragraph one shall apply mutatis mutandis to any amendment or repeal of the Notifications under this section.</p>
7	<p>After the notification specifying any goods which requires a licence for the export or import under section 5 (2) has been issued, no one shall export or import such goods unless a licence has been obtained from the Minister of Commerce or person entrusted by the Minister of Commerce.</p> <p>The application for and the granting of licences shall be in accordance with the rules, procedures and conditions prescribed by the Ministerial Regulation.</p>
20	<p>Whoever exports or imports goods prohibited under section 5 (1) or violates section 7 paragraph one, shall be liable to a term of imprisonment not exceeding ten years or to a fine equivalent to five times the value of exported or imported goods, or to both, and the goods including containers and vehicles used in connection with the transport thereof as well as vehicles used in the haulage thereof shall be confiscated.</p> <p>In the case where the offender has been apprehended, the Court shall, upon a motion filed by the public prosecutor, pay reward to informers thirty percent and to officers making the apprehension twenty-five per cent of the net proceeds of the sale of goods confiscated by the Court or in the case where there is no exhibits or the exhibits cannot be sold, the reward shall be deducted from the fine paid to the Court.</p> <p>In the case where there is no informer, a reward of thirty percent of the net proceeds of the sale of goods confiscated by the Court shall be given to the officer making the apprehension or in the case where the exhibits are not confiscated or cannot be sold, the reward shall be deducted from the fine paid to the Court.</p> <p>In the case where there are several informers or officers making the apprehension, the reward shall be equally shared among them.</p> <p>In the case where there are exhibits but no offender has been apprehended, the Director-General of the Department of Foreign Trade shall, with the approval of the Minister of Commerce, have the power to pay the reward which shall not exceed the rate prescribed in this section from the net proceeds of the sale of exhibits which become vested in the State.</p>
22	<p>Whoever violates or fails to comply with the Notifications issued under section 5 (3), (5) or (6), shall be liable to a term of imprisonment not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.</p>

B Customs Act B.E. 2469 (1926) and As last amended by the Customs Act (No. 20), B. E. 2548 (2005)

AGENCY	Customs Department
ARTICLE NO.	PROVISIONS
27	Any person imports or brings into the Kingdom any tax unpaid, restricted, or prohibited goods, or any goods which has not duly passed through the customs, or exports or takes such goods out of the Kingdom or assists in any way in importing or exporting or removing or assisting to removal without permission from any ship, quay, godown, warehouse, place of security, or store room, or provide the place to keep, or conceals such goods, or permits or arranges other persons to do so or is involved in any manner in carrying, removing, or dealing with such goods in any manner to avoid or attempt to avoid the payment of customs tax or of any duties of avoid or attempt to avoid any provisions of law and restrictions relating to the importation, exportation, landing, warehousing, and delivery of goods with the intention to defraud the government tax of His Majesty the King with must be paid for such goods or avoids the prohibition or restriction of such goods, for each offence there shall be a fine of four times the amount of price of the goods including duty or to imprisonment for a term of not exceeding ten years, or to both.

4.4 EXTRADITION

A Extradition Act B.E. 2551 (2008)

AGENCY	Minister of Foreign Affairs and Minister of Justice
ARTICLE NO.	PROVISIONS
7	<p>An extraditable offense shall be criminal and punishable under the laws of Requesting State and Thailand by death penalty, imprisonment, deprivation of liberty, or other detention forms for a period of more than one year, to an offense of the same Chapter or same offense in both states.</p> <p>Other criminal offense punishable by imprisonment, deprivation of liberty or other detention forms less than one year shall also be an extraditable, if it is an extraditable offense as requested, whether it is requested for the first time or subsequently requested.</p>

4.5 TRANSNATIONAL ORGANIZED CRIME

A The Act of Prevention and Combat against the Participation in Transnational Organized Crime B.E. 2556

AGENCY	Department of Investigation, Office of Attorney General
ARTICLE NO.	PROVISIONS
Rationale	The reasoning behind the promulgation of this Act is that presently Thailand is facing problems relating to transnational organized crime which adversely affects the peace, order and stability of the country. In addition, Thailand has committed to adopt the United Nations Convention against Transnational Organized Crime, thus it has become necessary to define the nature of offenses in order to cover such organized crimes, as well as to set forth the methods of detection ad investigation regarding the commission of transnational organized crimes. Therefore it is necessary that this legislation be enacted.
5	<p>Whoever commits the following acts:</p> <ol style="list-style-type: none"> (1) being a member of or affiliated with any transnational organized criminal group. (2) conspiring with two or more persons to commit serious crimes involving transnational organized criminal group. (3) participating in any act, directly or indirectly, in the activities or operations of a transnational organized crime in the knowledge of its aim and its criminal activities or in the knowledge of the intent to commit serious crimes of such transnational organized criminal group. (4) managing, directing, assisting, abetting, facilitating, or counseling in the commission of the serious crime of the transnational organized criminal group in the knowledge of the

A Section continued	
ARTICLE NO.	PROVISIONS
	aim and its criminal activities, and in the knowledge of the intent to commit serious crime of such organized criminal group. Such person shall be regarded as participants in transnational organized crime.
6	Whoever commits the offense in section 5 outside the kingdom, shall be liable for punishment in the kingdom as provided for in this Act. The provisions as set forth in section 10 of the penal code shall be applied mutatis mutandis.
25	Whoever commits an offense involving participation in transnational organized crime shall be punished with 4 to 15 years imprisonment, or with a fine from 80,000 to 300,000 baht, or both.

4.6 MUTUAL LEGAL ASSISTANCE TO RECOVER PROCEEDS OF CRIME

A Act on Mutual Legal Assistance in Criminal Matters B.E. 2535

AGENCY	Department of Investigation, Office of Attorney General
ARTICLE NO.	PROVISIONS
12	The Central Authority shall transmit the request for assistance from a foreign state to the following Competent Authorities for execution : (1) The request for taking statement of persons, or providing documents, articles, and evidence out of Court, the request for serving documents, the request for searches, the request for seizures documents or articles, and the request for locating persons shall be transmitted to the Director General of the Police Department; (2) The request for taking the testimony of persons and witnesses or adducing document and evidence in the Court, as well as the request for forfeiture or seizure of properties shall be transmitted to the Chief Public Prosecutor for Litigation; (3) The request for transferring persons in custody for testimonial purposes shall be transmitted to the Director General of the Correctional Department. (4) The request for initiating criminal proceedings shall be transmitted to the Director General of the Police Department and the Chief Public Prosecutor for Litigation.
32	Upon receipt the request for assistance from a foreign state to forfeit or seize properties located in Thailand, the Competent Authorities shall apply to the Court having jurisdiction over the location of the properties for passing the judgment forfeiting such properties or for the issuance of an order seizing them. Under paragraph one, the Competent Authorities shall, if it is necessary, conduct an inquiry himself or authorizes any inquiry official to conduct an inquiry on his behalf.
33	The properties specified in the request for assistance from a foreign state may be forfeited by the judgement of the Court if such properties have been priorly adjudicated to be forfeited by the final judgement of a foreign court and they are forfeitable under Thai laws. If the properties were adjudged to be seized by a foreign court before the Court passed its judgement or after the passing of the judgment to forfeit such properties but the judgement has not become final yet, the Court may deem it appropriate to order the properties to be seized provides that they are seizable under Thai laws. The forfeiture or seizure of properties by the judgement or order of the Court under this Section shall be effective even the offence which is the cause of such forfeiture or seizure may not have taken place in the territory of Thailand.
34	The properties forfeited by the judgement of the Court under this part shall become the properties of the State, but the Court may pass judgement for such properties to be rendered useless, or to be destroyed.

5 PENALTIES

5.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME					
Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Wild Animal Reservation and Protection Act, B.E. 2535 (1992) [as amended by B.E. 2557 (2014)]	47		40,000THB		4
	48		30,000THB		3
	49		10,000THB		1
	50		20,000THB		2
	51		10,000THB		1
	53		50,000THB		5
	54		40,000THB		7
	55		100,000THB		1
Ivory Act, B.E. 2558	13		6 million THB		3
	14		3 million THB		
Plant Act B.E. 2518 (1975) amended in B.E. 2535 (1992)	61 bis		3,000 THB		3 months
Fisheries Act B.E. 2490 (1947)	61		2,000 THB		1 months
	62		10,000 THB		6 months
	62 bis	10,000 THB	100,000 THB	6 months	5
	62 ter		5,000 THB		3
	65	5,000 THB	100,000 THB		1
	67 bis		20,000 THB 120,000 THB		1 6

* In local currency Thai Baht (THB)

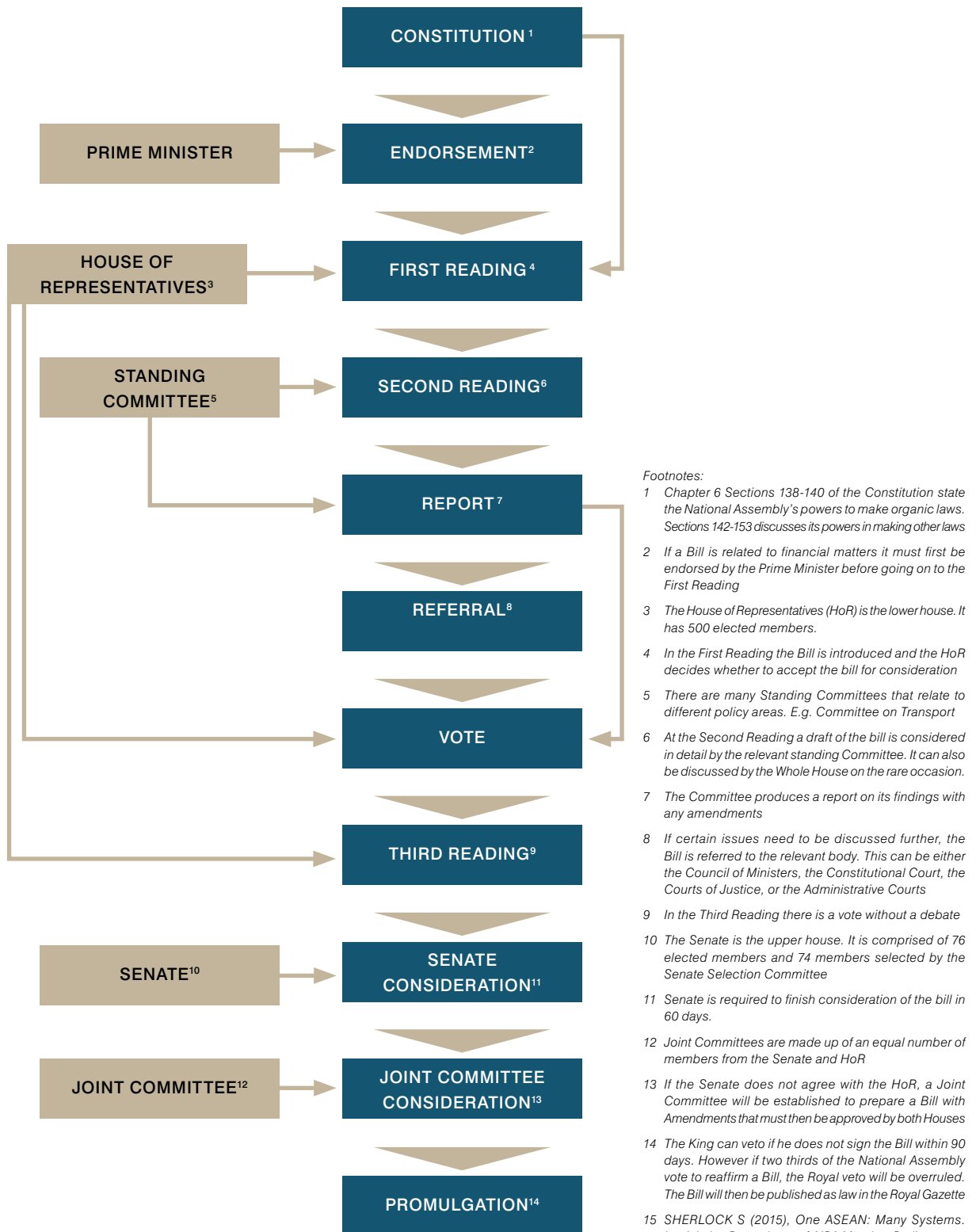
** In years unless otherwise stated.

5.2 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Customs Act B.E. 2469 (1926)	27		A fine not exceeding 5,000THB or of four times the price of the goods including duty		10
	27 bis		A fine equal to quadruple the duty-paid value of the goods		5
	28		1 million THB	n.a.	n.a.
	29	1,000THB	500,000THB		
Anti-Money Laundering Act (No.4) B.E. 2556 (2013)	Chapter 7, 60	20,000THB	200,000THB	1	10
The Act of Prevention and Suppression of Participation of Transnational Organized Crime B.E. 2556 (2013)	Chapter 4, 25	80,000THB	300,000THB	4	15
Penal code	143 -146	2,000THB	10,000THB	1	5
	148	20,000THB	40,000THB	5	20 or life imprisonment
	152	2,000THB	20,000THB	1	10
	155	2,000THB	40,000THB	5	20 or life imprisonment
	157	2,000THB	20,000THB	1	10
	251	2,000THB	14,000THB	1	7

6 ANNEXES

A OVERVIEW OF LEGISLATIVE PROCESS, THAILAND¹⁶



B LIST OF NATIONAL LAWS

1. Animal Epidemics Act B.E. 2499 (1956)
2. Anti-Money Laundering Act B.E. 2542 (1999) (No.4) B.E. 2556 (2013)
3. Act on Prevention and Combat against the Participation in Transnational Organized Crimes, B.E. 2556 (2013)
4. Act on Mutual Assistance in Criminal Matters B.E. 2535 (1992)
5. Customs Act B.E. 2469 (1926) and As last amended by the Customs Act (No. 20), B. E. 2548 (2005)
6. Constitution of the Kingdom of Thailand, B.E.2550 (2007)
7. Counter Terrorism Financing Act, B.E. 2556 (2013)
8. Export and Import of Goods Act B.E 2522 (1979)
9. Extradition Act, B.E. 2551 (2008)
10. Food Act B.E. 2522 (1979)
11. Fisheries Act B.E. 2490 (1947)
12. Forest Act B.E. 2484 (1941)
13. Ministerial Decree Specifying Certain Wildlife Species as Protected Species B.E. 2558 (No.3) (2015)
14. National Park Act, B.E. 2504 (1961)
15. Penal Code Amendment Act (No.14) B.E 2540 (1997)
16. Plant Act B.E. 2518 (1975) amendment in B.E. 2535 (1992)
17. Plant Quarantine Act, B.E. 2507 (1964)
18. Prevention of Animal Cruelty and Provision of Animal Welfare Act (2014)
19. Wild Animal Preservation and Protection Act B.E. 2535 (1992); Wild Animal Preservation and Protection Act B.E. 2557 (2014)
20. Ivory Trade Act B.E. 2558 (2015)
21. Enhancement and Conservation of National Environmentl Quality Act, B.E. 2535



NATIONAL LAWS VIETNAM



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Photography by Molly Ferril

1 EXECUTIVE SUMMARY

Vietnam currently meets its obligations under CITES through Decree No.82/2006/ND-CP (relating to CITES requirements for international trade generally) and Decree No. 32/2006/ND-CP (domestic exploitation and trade). Main strengths are that all of the CITES listed species are covered, it regulates all types of cross-border transactions including transit, and designates explicitly the Management and Scientific CITES Authorities. This establishes a basic framework for managing the CITES-related trade.

The penalties for violation of regulations on protection of precious and rare wildlife are set out in Article 190 of the Penal Code No. 15/1999/QH10 (hereinafter referred to as the “Penal Code”).

When the Penal Code was amended in 2009, Article 190 was adjusted into the crime of breaching regulations on the protection of animals in the List of Endangered, Precious, and Rare Species Prioritized for Protection. Accordingly, the acts of illegal hunting, killing, transporting, smuggling, raising and keeping of endangered, rare and precious wild animals prioritized for protection and the act of illegal transporting and smuggling of their products/ body parts are prohibited. The offenders shall be subject to a fine from VND 50,000,000 (approximately USD 2,400) to VND 500,000,000 (approximately USD24,000), non-custodial reform for up to three years or a prison term up to seven years¹.

Further, if the crimes were committed in an organized manner, there are additional fines.

Vietnam has robust laws on anti-money laundering and anti-corruption. On 9 December 2013, together with the World Bank and other partners, the Vietnamese government launched the Vietnam Anti-Corruption Initiative Program 2014 under the theme “Transparency, Integrity and Accountability”. Since then, Vietnamese courts had held at least two hundred and seventy-eight trials and prosecuted corporate corruption².

This is encouraging as the same effort can be extended to investigating and punishing corrupt officials involved in illegal wildlife trade at this point in time.

With wildlife trafficking being increasingly transnational in nature and given the high value and profit margin of such illegal trade, having robust policies and laws on anti-money laundering becomes more pertinent. Vietnam³ is a party to the Financial Action Task Force on Money Laundering (FATF)⁴, which has developed a series of recommendations that are recognised as the international standard for combating money laundering, amongst other things. According to the evaluation report by FATF, Vietnam has done so well in establishing a legal and regulatory framework to meet its commitments that it is no longer on FATF’s global AML/CFT compliance process⁵.

1 As at 30 September 2015, the data collection cut off-date for the Handbook, Vietnam was still in the process of amending the Penal Code and therefore such amendments were not included in the Handbook. The amended Penal Code (Penal Code - Law No. 100/2015/QH13) was adopted by the Vietnam National Assembly on 27 November 2015 and will enter into effect from 1 July 2016

2 *The Economist*, 27 June 2014: Graft-busting, Wrist-slapping. Available at: <http://www.economist.com/blogs/banyan/2014/06/graft-busting-vietnam>

3 Vietnam’s participation through membership with the Asia-Pacific Group on Money Laundering (APG): <http://www.fatf-gafi.org/pages/asiapacificgrouponmoneylaundryingapg.html>

4 The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. The FATF is therefore a “policy-making body” which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas: For more information, see <http://www.fatf-gafi.org/pages/aboutus/>

5 <http://www.fatf-gafi.org/countries/u-z/vietnam/documents/fatf-compliance-feb-2014.html>

2 INTERNATIONAL CONVENTIONS, TREATIES AND AGREEMENTS: RELEVANT LAWS

<p>1 CONVENTION FOR THE INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), 3 MARCH 1973, WASHINGTON, USA</p>	<p>DATE OF ACCESSION: 20 APRIL 1994</p>
<ul style="list-style-type: none"> a. Forest Protection and Development Law 2004 (No.29/2004/QH11) (14/12/2004) b. Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999) as amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010), c. The Government Decree 32/2006/ND-CP Dated 30th March 2006 on Management of Endangered, Precious, and rare Species of Wild Plants and Animals d. Decree on Management of Export, Import, Re-export and introduction from the sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006) e. Decree on Administrative Punishment over Forest Management, Forest Development , Forest Protection and Forest Product Management (Decree 157/2013/ND-CP) (11/11/2013) f. Fisheries Law (No. 17.2003/QH11) (26/12/2003) g. Decree on Criteria for determining Species and Management Mechanisms for the Species under the List of Rare, Precious and Endangered Species Prioritized for Protection (No.160/2013/ND-CP) (12/11/2013) h. Circular No.90/2008/TT-BNN Guidance on Settlement of Confiscated Wildlife (28/08/2008) i. Circular No.13/2009 of Ministry of Agriculture and Rural Development on Management and Using of Revenue from Illegal Wildlife Punishment j. Prime Minister Directive No.3/CT-TTg 2014 on strengthening the Direction and Implementation of Measures for Controlling and Protecting Endangered, Rare and Precious Wild Animals (20/02/2014) k. Decision of Ministry of Agriculture and Rural Development on Strengthening the Steering Committee for Wildlife Law Enforcement (Decision No. 1632/QD-BNN-TCCB) (16/07/2013) l. Joint Circular No.19/2007/TTLT/BNNInter-agency Circular Outlining Guidelines for the Application of Certain Articles in the Criminal Code to Violations of Forest Protection and Management Laws 	
<p>2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC), 29 SEPTEMBER 2003, PALERMO, ITALY</p>	<p>DATE OF ACCESSION: 12 JUNE 2012</p>
<ul style="list-style-type: none"> a. Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999) as amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010), b. Law on Prevention and Fighting against Money Laundering No.07/2012/QH13 (18/06/2012) c. Decree Detailing Implementation of a Number of Articles of Law on Prevention and Combat of Money Laundering (No. 116/2013/ND-CP) ((04/10/2013) 	
<p>3 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UN CAC), 31 OCTOBER 2003, VIENNA, AUSTRIA</p>	<p>DATE OF ACCESSION: 8 SEPTEMBER 2009</p>
<ul style="list-style-type: none"> d. Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999) as amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010), b. Anti-corruption Law 2005 (Rev.23/11/2012) (N0.55/2005/QH11) (29 11/2005) c. Decree on Detailed Guidance on implementation of the Anti-corruption Law (No.120/2006/ND-CP) 	
<p>4 THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (KYOTO CONVENTION), 18 MAY, 1973, KYOTO, JAPAN (AS REVISED ON 26 JUNE 1999)</p>	<p>DATE OF ACCESSION: 8 JANUARY 2008</p>
<ul style="list-style-type: none"> a. Custom Law 2014 (23/6/2014) (No.29/2001/QH10 (29/06/2001) 	

5 WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (SPS AGREEMENT), 1 JANUARY 1995	DATE OF RATIFICATION: 11 JANUARY 2007
a. Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999) as amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010),	
6 CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 5 JUNE 1992, RIO DE JANEIRO, BRAZIL	DATE OF RATIFICATION: 16 NOVEMBER 1994
a. Biodiversity Law (No.20/2008/QH12) (13/11/2008) b. Circular on Document Package of Legal Forest Products and Examination of Forest Products (01/2012/TT-BNNPTNT) (04/02/2012) c. Decree on Administrative Punishment over Forest Management, Forest Development, Forest Protection and Forest Product Management (Decree 157/2013/ND-CP) (11/11/2013) d. Decree No.179/2013/ ND-CP on Penalties Imposed on Administrative Penalties in respect of Environmental Protection e. Decision of Ministry of Agriculture and Rural Development on Strengthening the Steering Committee for Wildlife Law Enforcement (Decision No. 1632/QD-BNN-TCCB) (16/07/2013) f. Environmental Law 2005 (No.52/2005/QH11) g. Joint Circular No.19/2007/TTLT/BNN Inter-agency Circular Outlining Guidelines for the Application of Certain Articles in the Criminal Code to Violations of Forest Protection and Management Laws	
7 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 16 NOVEMBER, 1972	DATE OF ACCESSION: 19 OCTOBER 1987
a. Law on Cultural (amended 2009) Heritage (No.28/2001 /QH10) (29/06/2001) b. Decree on Detailed Guidance on Implementation of the Law on Cultural Heritage (No.92/2002/ND-CP) (11/11/2002)	
8 TREATY ON MUTUAL LEGAL ASSISTANT ON CRIMINAL MATTERS (ASEAN), KUALA LUMPUR, MALAYSIA, 29 NOVEMBER, 2004	DATE OF RATIFICATION: 4 JUNE 2008
a. Law on Mutual Legal Assistance No.08/2007/QH12	
9 INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION - THE FATF (FINANCIAL ACTION TASK FORCE) RECOMMENDATIONS, PARIS, 16 FEBRUARY 2012	DATE OF RATIFICATION: MAY 2007 THROUGH ASIA/ PACIFICGROUP ON MONEY LAUNDERING (APG)]
a. Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999) as amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010), b. Law on Prevention and fighting against money laundering No.07/2012/QH13 c. Decree Detailing Implementation of a Number of Articles of Law on Prevention and Combat of Money Laundering (No.116/2013/ND-CP) (04/10/2013)	
10 CONVENTION ON CYBERCRIME, BUDAPEST, 1 JULY 2004 (BUDAPEST CONVENTION ON CYBERCRIME)	DATE OF RATIFICATION: N/A
a. Law on Higher Technology (No.21/2008/QH1) (13/11/2008) b. Decree on Prevention of Crimes and Other Legal Violations using Advance Technology (25/2014/ND-CP) (07/04/2014)	
11 BIOLOGICAL AND TOXIN WEAPONS CONVENTION (BWC) 1975	DATE OF RATIFICATION: 24 AUGUST 1998
a. Law on Chemicals (No.06/2007/QH12) (21/11/2007)	

3 BILATERAL/MULTILATERAL AGREEMENTS /MOUS RELATING TO IMPLEMENTATION AND ENFORCEMENT OF CITES REGIME

<p>1 MEMORANDUM OF UNDERSTANDING ON COOPERATION IN THE FIELD OF FOREST PROTECTION, FOREST LAW ENFORCEMENT, CONTROLLING AND PREVENTING ILLEGAL TRADING AND TRANSPORTING OF TIMBER, FOREST PRODUCTS AND WILDLIFE (12/07/2012)</p>	<p>2012-2017</p>
<p>Forest Protection Department Vietnam Administration of Forestry Ministry of Agriculture and rural development The Socialist Republic of Vietnam and Department of Forestry Inspection Ministry of Agriculture and Forestry Lao People's Democratic Republic</p>	<p>Vietnam, Laos</p>
<p>2 MEMORANDUM OF UNDERSTANDING - STRENGTHEN THE COOPERATION BETWEEN ENFORCEMENT AGENCIES OF TWO SIDES IN TERM OF INFORMATION SHARING, CAPACITY BUILDING, LAW ENFORCEMENT, AWARENESS RAISING (27/12/2012)</p>	<p>2012 - 2017</p>
<p>Vietnam Administration of Forestry , Ministry of Agriculture and Rural Development. The Socialist Republic of Vietnam and Directorate of General of Forest Protection and Nature Conservation. Ministry of Forestry. Republic of Indonesia on Cooperation in Wildlife Law Enforcement</p>	<p>Vietnam, Indonesia</p>
<p>3 MEMORANDUM OF UNDERSTANDING - ON COOPERATION IN BIODIVERSITY CONSERVATION AND PROTECTION (10/12/2012)</p>	<p>2012 - 2017</p>
<p>Memorandum of Understanding between the Government of the Socialist Republic of Vietnam and The Government of the Republic of South Africa on Cooperation in Biodiversity Conservation and Protection, Improvement of CITES and CBD implementation and focusing on control rhino's specimen trade</p>	<p>Vietnam, South Africa</p>

4 KEY PROVISIONS OF WILDLIFE LAWS

4.1 CRIMINALIZATION OF TRAFFICKING OF WILDLIFE AND TIMBER	
A <i>Decree on Management of Export, Import, Re-export, and Introduction from the Sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006)</i>	
AGENCY	Ministry of Agriculture and Rural Development and Ministry of Fisheries
ARTICLE NO.	PROVISIONS
3	<p>(1) Exports, imports, re-exports and introductions from the sea of specimens listed in CITES Appendix I for commercial purposes are prohibited.</p> <p>(2) CITES permit and certificate regulated in terms No. 1, 2, 3 of Article 15 in this Decree are required for</p> <ol style="list-style-type: none"> Import, export, or re-export of specimens regulated in Appendix I of CITES for a non-commercial purpose, specimens regulated in Appendix II and III of CITES, and pre-convention specimens. Introduction from the sea of specimens regulated in Appendix I of CITES for non-commercial purpose, and of specimens regulated in Appendix II of CITES. <p>(3) Specimens which belong to individuals and households are exempted from CITES permit and certificate once the following conditions are satisfied:</p> <ol style="list-style-type: none"> Specimens are used for non-commercial purpose. Specimens are carried while moving between countries as personal property or household utensil. The number of specimens does not exceed the regulation of CITES, which are applicable to some wild animals and plants.
5	<p>Regulations on conditions for export of rare, endangered and precious specimens from the wild as regulated by the laws of Vietnam and not listed in Appendixes of CITES</p> <p>(1) Exports for commercial purpose of endangered, rare and precious wildlife specimens and of Group I specimens, regulated by the laws of Vietnam on management of wild animals and plants, is forbidden.</p> <p>(2) Export permit needs to be obtained for export of rare, endangered and precious wildlife specimens for non-commercial purpose in accordance with term No. 4 of Article 15 in this Decree; of rare, endangered and precious wild plant specimens of Group I-A for non-commercial purpose; of specimens (except wood) of rare, endangered and precious wild plants of Group II-A.</p> <p>(3) Exports of wood products shall follow the Decision No.12/2006/ND-CP dated January 23, 2006 on the implementation of Trade Law on purchasing and selling international goods and authorizing activities on purchasing, selling, processing and transiting of goods to a foreign country.</p>
26	<p>Inspection, examination, and handling of violations</p> <p>(1) The Offices of Forest Protection, Customs, Police, Border Guard, Taxation, Market Management, Animal Quarantine, Plant Quarantine, Aquatic Resource Protection or Environmental Protection shall, according to their respective functions, tasks and competence, have to inspect, examine and handle violations according to provisions of law with regard to acts of law offenses in the management of export, import, re-export, transit, introduction from the sea, breeding, rearing, artificial propagation of wild fauna and/or flora species defined in Clause 1, Article 1 of this Decree.</p> <p>(2) The specimens of wild fauna and flora defined in Appendix I to CITES shall be handled like the specimens of endangered wild precious and rare animals and plants of Group I under the provisions of Vietnamese law. The specimens of wild fauna and flora defined in</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>Appendices II and III to CITES shall be handled like the specimens of endangered precious and rare wild animals and plants of Group II under the provisions of Vietnamese law. Where the CITES's provisions on handling of specimens of wild fauna and flora defined in the Appendices to the Convention are different from the provisions of Vietnamese law, the Convention's provisions shall apply.</p> <p>3. Organizations, households and individuals that commit acts of violating this Decree's provisions on export, import, re-export, transit and introduction from the sea shall, depending on the nature and seriousness of their violations, be administratively sanctioned, and, for individuals, they may be examined for penal liability under the provisions of law.</p>
B Decree on Management of Endangered, Precious, and Rare Species of Wild Fauna and Flora (No.32/2006/ND-CP) (30/03/2006)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
5	<p>Protecting endangered, precious, and rare species of wild plants and animals.</p> <p>(1) Forests where endangered, precious, and rare species of wild plants and animals are concentrated are considered to be special use forests in accordance with regulations of the existing law. Endangered, precious, and rare wild plants and animals which are living outside special use forests must be protected by the regulations of this Decree and regulations of the existing law.</p> <p>(2) Organizations, households, individuals who participate in producing, building, investigating, researching, sight-seeing, touring and other activities in forests where there are endangered, precious, and rare wild plants and animals must follow regulations of this decree, the Law of Forest Protection and Development, and the Law of Environmental Protection.</p> <p>(3) Following activities are prohibited:</p> <p>a. Exploit endangered, precious, and rare wild plants; hunt, shoot, trap, capture, keep, slaughter endangered, precious, and rare wild animals in violation of this Decree and the regulations of existing law.</p> <p>b. Transport, process, advertise, trade, use, hide, export, import endangered, precious, and rare wild plants and animals in violation of this Decree and the regulations of existing law.</p>
9	<p>Processing and trade of endangered, and rare and precious species and their products:</p> <p>(1) Processing and trade of endangered, rare and precious species and their products listed in Group 1A, and Group 1B and IIB for the commercial purposes is prohibited (Except in cases regulated in the Section 2 of this Decree).</p>
10	<p>Settlement of violations:</p> <p>(1) Individuals and organizations, violating regulations on endangered, precious and rare species, shall be, depending on conditions and the level of the violations, subject to administration fines or prosecution in accordance with the existing regulations and laws of the Socialist Republic of Viet Nam.</p> <p>XXX</p>

C Fisheries Law (No. 17/2003/QH11) (26/12/2003)

AGENCY	Ministry of Fisheries
ARTICLE NO.	PROVISIONS
6	<p>Prohibited acts in fishery activities</p> <ol style="list-style-type: none"><li data-bbox="427 376 1447 465">(1) Illegally exploiting and destroying reefs, coral reefs, underwater flora grounds, submerged forests and other biotopes; illegally destroying and obstructing natural movement routes of aquatic species in rivers, lakes, marshes, lagoons, straits and bays.<li data-bbox="427 483 1447 607">(2) Exploiting aquatic species on the prohibited list, including those banned from exploitation for definite periods, except for the scientific research purposes permitted by the Government; exploiting aquatic resources smaller than the prescribed sizes, except for the permitted exploitation for culture.<li data-bbox="427 624 1447 714">(3) Encroaching, occupying or infringing upon conservation zones of internal water areas or conservation sea areas already zoned off and announced; violating the regulations on management of such conservation zones.<li data-bbox="427 732 1447 790">(4) Violating the provisions of the environmental protection legislation regarding the habitats of aquatic species.<li data-bbox="427 808 1447 866">(5) Exploiting aquatic resources in restricted areas, areas being in the prohibited periods; exploiting aquatic resources in excess of the permitted volumes.<li data-bbox="427 884 1447 974">(6) Producing, circulating and using banned fishing gear; practicing the banned occupations to exploit aquatic resources; using explosives, noxious substances, electric surge and other methods of destructive nature.<li data-bbox="427 992 1447 1137">(7) Using fishing gear to obstruct, or cause damage to, organizations and/or individuals that are exploiting aquatic resources; to anchor or moor vessels in places where exist fishing gear of other organizations and/or individuals that are exploiting natural resources or in places where other fishing ships are giving signals that they are exploiting aquatic resources, except in case of force majeure events.<li data-bbox="427 1155 1447 1191">(8) Jettisoning fishing gear in natural water areas, except for force majeure cases.<li data-bbox="427 1209 1447 1267">(9) Violating the regulations on traffic safety and safety of works in accordance with the provisions of the maritime and inland waterway navigation legislation and other relevant law provisions.<li data-bbox="427 1285 1447 1321">(10) Violating the regulations on aquaculture development plannings.<li data-bbox="427 1339 1447 1397">(11) Changing without the permission of competent State bodies the use purposes of land areas or sea surface assigned or leased for aquaculture.<li data-bbox="427 1415 1447 1473">(12) Culturing new aquatic strains without the permission of the Ministry of Fisheries and aquatic species on the list of those banned from culture.<li data-bbox="427 1491 1447 1581">(13) Conducting aquaculture not in line with plannings, obstructing water flows, obstructing activities of exploiting aquatic resources, adversely affecting activities of other branches or occupations.<li data-bbox="427 1599 1447 1688">(14) Using drugs, additives or chemicals on the list of those banned from use in aquaculture, production of aquaculture feeds or processing and preservation of aquatic products; putting alien matters in aquatic raw materials or products.<li data-bbox="427 1706 1447 1742">(15) Stocking diseased aquatic resources in aquaculture places or natural water areas.<li data-bbox="427 1760 1447 1883">(16) Discharging waste water and matters from aquatic resource-breeding establishments or aquaculture establishments, aquatic product-preserving and/or –processing establishments, which have not yet been treated or have been treated improperly, into the surrounding environment.<li data-bbox="427 1901 1447 2024">(17) Processing, transporting or marketing aquatic species on the list of those banned from exploitation; aquatic products originating from aquaculture areas in the non-harvesting periods; aquatic products with toxic residues in excess of the permitted limits; aquatic products with deadly natural toxins, except for the cases permitted by competent State bodies.<li data-bbox="427 2042 1447 2078">(18) Exporting or importing aquatic products on the list of those banned from export and import.

C Section continued	
ARTICLE NO.	PROVISIONS
58	<p>Handling of violations</p> <p>(1) Those who commit acts of violating the provisions of this Law shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability; if causing damage, they must pay compensation therefore according to law provisions.</p> <p>(2) Those who abuse their positions and powers to violate, or cover up persons who have committed acts of violating, the provisions of this Law shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability; if causing damage, they must pay compensation therefore according to law provisions.</p>
D Decree on Administrative Punishment over Forest Management, Forest Development, Forest Protection and Forest Product Management (Decree 157/2013/ND-CP) (11/11/2013) [as amended by Decree No: 40/2015/ ND – CP Amending and supplementing a number of articles of the Decree No. 157/2013/ND-CP]	
AGENCY	Minister of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
1	<p>This Decree deals with the violations, administrative penalties, fines and remedial measures for the administrative violation, the persons entitled to make violation record, impose penalties and the penalties they can impose upon administrative violation against the regulation on forest management, development, protection and forest product management.</p> <p>This Decree is not applicable to forest animals/plants included in the List of precious and endangered species subject to prioritized protection according to Government's regulations. [as amended by Decree No: 40/2015/ ND – CP Amending and supplementing a number of articles of the Decree No. 157/2013/ND-CP]</p>
7	<p>(1) The fines prescribed in Chapter II of this Article are incurred by individuals (except for the violations specified in Clause 4 Article 9a of this Decree); the fines incurred by organizations are twice the fines incurred by the individuals that having similar violations.</p> <p>(2) The following illegal actions (except for the action of keeping wild animals of group IB) shall be turned into a criminal imputation:</p> <p>a. Administratively illegal actions causing damage exceeding the maximum administrative penalty regulated in Articles of 12, 16, 20; administratively illegal actions in which the exhibits are wild plants of group IA and wild animals of group IB causing damage exceeding the maximum administrative penalty stipulated in Articles of 21, 22, 23.</p> <p>(3) Administratively violations involving in forest plants, wild animals as listed under appendixes I and II of the Convention on International Trade of Endangered Species (CITES) but not specified in the List of endangered, precious and rare forest plants and wild animals as regulated in Governmental Decree on management of endangered, precious and rare plants and animals shall be settled as follows:</p> <p>a. Administratively violations of species listed in Appendix I shall be settled in the same manner as violations against endangered, precious and rare wild plants and animals of groups IA and IB.</p> <p>b. Administratively violations of species listed in Appendix II shall be settled the same as violations against endangered, precious and rare wild plants and animals of groups IIA and IIB.</p> <p>XXX</p>
15	<p>Persons violating the State's General Provisions on forest protection shall be penalized as follows:</p> <p>(1) Receive a warning penalty or fine of 500,000 VND and up to 1,000,000 VND if conducting one of the following illegal actions:</p> <p>a. Bringing manual or mechanical tools into forests to hunt and catch animals.</p>

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ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none">b. Bringing animal or craft tools into forests to illegally exploit and process forest products.c. Illegally raising, planting, and releasing non-native animals and plant species into SUF (special use forests). <p>(2) Receive a fine of 1,000,000 VND and up to 2,000,000 VND if conducting one of following actions:</p> <ul style="list-style-type: none">a. Sending people for science research, illegal traveling in SUF; illegal collecting specimens in the forest.b. Bring vehicle, mechanization tools illegally into the forest.c. Illegally adverting forest plants and wild animals for commercial purposes.d. Hunting or catching animals during their productive season.e. Using prohibited methods or instruments to catch and hunt.f. Hunting and catching wild animals in places that prohibited such actions. <p>(3) Receive a fine from 2,000,000 VND to 3,000,000 VND if conducting one of the following actions:</p> <ul style="list-style-type: none">d. Fire/ using flame to hunt wild animal, harvesting honey, collecting scrap metal. <p>(5) Additional fines</p> <ul style="list-style-type: none">a. Persons who have such administratively illegal actions specified in Item 1 of this Article will have exhibits confiscated.b. Persons who have such administratively illegal actions specified in Item 2 of this Article will have prohibited methods or instruments confiscated.
21	<p>Persons who hunt, shoot, trap, catch, farm or keep wild animals; extract derivatives from wild animals; slaughter wild animals not in conformity with the law (the violations that are not specified in Section a of Item 2 of Article 7 of this Decree) shall be subject to the following punishments:</p> <p>(1) Receive an administrative fine from 500,000 to 10,000,000 VND for violations in which the exhibit is listed in one of the following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives which are not listed as endangered, rare and precious wildlife species worth less than 7,000,000 VND.b. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IIB worth less than 4,000,000 VND. <p>(2) Receive an administrative fine from 10,000,000 to 20,000,000 VND for violations in which exhibits belong to one of the following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives which are not listed as endangered, rare and precious wildlife species worth between 7,000,000 VND and 13,000,000 VND.b. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IIB worth between 4,000,000 VND and 8,000,000 VND. <p>(3) Receive an administrative fine from 20,000,000 to 30,000,000 VND for violations in which exhibits belong to one of the following cases</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives which are not listed as endangered, rare and precious wildlife species worth between more than 13,000,000 VND and 20,000,000 VNDb. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IIB worth between more than 8,000,000 VND and 12,000,000 VNDc. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth less than 10,000,000 VND. <p>(4) Receive an administrative fine from 30,000,000 to 50,000,000 VND for violations in which exhibits belong to one of the following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives which are not listed as endangered, rare and precious wildlife species worth between more than 20,000,000 VND and 35,000,000 VND.

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ARTICLE NO.

PROVISIONS

- b. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IIB worth between more than 12,000,000 VND and 20,000,000 VND.
 - c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between 10,000,000 VND and 20,000,000 VND.
 - d. Illegally farming or keeping one individual endangered, rare and precious wildlife species of Group IB
- (5) Receive an administrative fine from 50,000,000 to 100,000,000 VND for violations in which exhibits belong to one of the following cases:
- a. Wild animals or their body parts, derivatives which are not listed as endangered, rare and precious wildlife species worth between more than 35,000,000 VND and 65,000,000 VND.
 - b. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IIB worth between more than 20,000,000 VND and 40,000,000 VND
 - c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 20,000,000 VND and 30,000,000 VND.
 - d. Illegally farming or keeping two individuals of endangered, rare and precious wildlife species of Group IB.
- (6) Receive an administrative fine from 100,000,000 to 200,000,000 VND for violations in which exhibits belong to one of the following cases:
- a. Wild animals or their body parts, derivatives which are not listed as endangered, rare and precious wildlife species worth between more than 65,000,000 VND and 135,000,000 VND.
 - b. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IIB worth between more than 40,000,000 VND and 80,000,000 VND.
 - c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 30,000,000 VND and 50,000,000 VND
 - d. Illegally farming or keeping three or four individuals of endangered, rare and precious wildlife species of Group IB
- (7) Receive an administrative fine from 200,000,000 to 300,000,000 VND for violations in which exhibits belong to one of the following cases
- a. Wild animals or their body parts, derivatives which are not listed as endangered, rare and precious wildlife species worth between more than 135,000,000 VND and 200,000,000 VND
 - b. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IIB worth between more than 80,000,000 VND and 120,000,000 VND
 - c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 50,000,000 VND and 80,000,000 VND
 - d. Illegally farming or keeping five or six individuals of endangered, rare and precious wildlife species of Group IB.
- (8) Receive an administrative fine from 300,000,000 to 400,000,000 VND for violations in which exhibits belong to one of the following cases:
- a. Wild animals or their body parts, derivatives which are not listed as endangered, rare and precious wildlife species worth between more than 200,000,000 VND and 270,000,000 VND

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ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none">b. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IIB worth between more than 120,000,000 VND and 160,000,000 VNDc. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 80,000,000 VND and 100,000,000 VNDd. Illegally farming or keeping seven or eight individuals of endangered, rare and precious wildlife species of Group IB <p>(9) Receive an administrative fine from 400,000,000 to 500,000,000 VND for violations in which exhibits belong to one of the following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives which are not listed as endangered, rare and precious wildlife species worth more than 270,000,000 VNDb. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IIB worth more than 160,000,000 VND.c. Illegally farming or keeping more than eight individuals of endangered, rare and precious wildlife species of Group IB <p>(10) In cases that permission for farming endangered, rare and precious wildlife animals of Group IB or other wildlife is granted but the keeper violates the regulations on cage requirements, he or she will be fined from 20,000,000 to 30,000,000 VND.</p> <p>(11) Additional fines</p> <ul style="list-style-type: none">a. Persons who violate regulations stipulated in Items 1 through 9 of this article will have exhibits confiscated.b. Persons who violate regulations stipulated in Items 4 through 9 of this article will have tools and vehicles used for the administratively illegal actions confiscated.c. Persons violating regulations in Item 4 through 9 of this article will have their permits for hunting rifles withdrawn; have their certificates of registration for breeding wild animals withdrawn for six to 12 months
22	<p>Illegal transportation of forest products</p> <p>Persons who transport forest products (from the moment forest products are collected to be loaded onto vehicles or have been loaded onto vehicles) without any legal papers or possessing legal papers but the transported forest products are not in accordance with papers; timber without a seal from the FPD as regulated by the law shall be given the following fines</p> <p>(1) Receive a financial fine from 1,000,000 to 5,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth less than 5,000,000 VNDb. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth less than 3,000,000 VND <p>(2) Receive a financial fine from 5,000,000 to 10,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from 5,000,000 VND to 10,000,000 VNDb. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from 3,000,000 VND to 5,000,000 VND <p>(3) Receive a financial fine from 10,000,000 to 20,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from more than 10,000,000 VND to 13,000,000 VNDb. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 5,000,000 VND to 7,000,000 VND

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PROVISIONS

- c. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IB worth less than 7,000,000 VND
- (4)** Receive a financial fine from 20,000,000 to 30,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:
 - a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from more than 13,000,000 VND to 20,000,000 VND.
 - b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 7,000,000 VND to 12,000,000 VND.
 - c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between 7,000,000 VND and 10,000,000 VND.
- (5)** Receive a financial fine from 30,000,000 to 50,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:
 - a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from more than 20,000,000 VND to 35,000,000 VND.
 - b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 12,000,000 VND to 20,000,000 VND.
 - c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 10,000,000 VND and 15,000,000 VND.
- (6)** Receive a financial fine from 50,000,000 to 100,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:
 - a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth from more than 35,000,000 VND to 70,000,000 VND.
 - b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 20,000,000 VND to 40,000,000 VND.
 - c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 15,000,000 VND and 30,000,000 VND.
- (7)** Receive a financial fine from 100,000,000 to 200,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases
 - a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from more than 70,000,000 VND to 135,000,000 VND.
 - b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 40,000,000 VND to 80,000,000 VND.
 - c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 30,000,000 VND and 50,000,000 VND.
- (8)** Receive a financial fine from 200,000,000 to 300,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:
 - a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from more than 135,000,000 VND to 200,000,000 VND.
 - b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 80,000,000 VND to 120,000,000 VND.
 - c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 50,000,000 VND and 80,000,000 VND.
- (9)** Receive a financial fine from 300,000,000 to 400,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:
 - a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth from more than 200,000,000 VND to 270,000,000 VND.

D Section continued

ARTICLE NO.	PROVISIONS
	<p>b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 120,000,000 VND to 160,000,000 VND.</p> <p>c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 80,000,000 VND and 100,000,000 VND</p> <p>(10) Receive a financial fine from 400,000,000 to 500,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:</p> <p>a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth more than 270,000,000 VND.</p> <p>b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth more than 160,000,000 VND.</p> <p>d. Wildlife or parts, derivatives of wildlife are listed as endangered, rare belong in group IB have value over 100 million VND [as amended by Decree No: 40/2015/ ND – CP Amending and supplementing a number of articles of the Decree No. 157/2013/ND-CP]</p> <p>(11) Additional fines</p> <p>a. Persons who violate regulations stipulated in Items 1 through 10 of this article will have exhibits confiscated.</p> <p>b. Persons who violate regulations stipulated in Items 1 through 10 of this article will have vehicles used for the administratively illegal actions confiscated, except for actions regulated in Item 7, 8 of Article 3 of this Decree as in one of following cases:</p> <ul style="list-style-type: none">- Organized crime.- Repeated violations.- Transporting wild animals not listed as endangered, rare or precious species and their body parts worth from 5,000,000 VND upwards; endangered, rare and precious species or their parts worth from 3,000,000 VND upwards
23	<p>Persons who commit the crimes of illegal trade (purchase and sell), storage, process and business of forest products either without lawful papers or with lawful papers but not in a manner that accords with the contents of the documentation, will be fined as follows:</p> <p>(1) Receive a financial fine from 1,000,000 to 5,000,000 VND for violations in which exhibits belong to one of following cases:</p> <p>a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth less than 5,000,000 VND.</p> <p>b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth less than 3,000,000 VND.</p> <p>(2) Receive a financial fine from 5,000,000 to 10,000,000 VND for violations in which exhibits belong to one of following cases:</p> <p>a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth from 5,000,000 VND to 10,000,000 VND.</p> <p>b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from 3,000,000 VND to 5,000,000 VND</p> <p>(3) Receive a financial fine from 10,000,000 to 20,000,000 VND for violations in which exhibits belong to one of following cases:</p> <p>a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth from over 10,000,000 VND to 13,000,000 VND.</p> <p>b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from over 5,000,000 VND to 7,000,000 VND.</p> <p>c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth less than 7,000,000 VND.</p> <p>(4) Receive a financial fine from 20,000,000 to 30,000,000 VND for violations in which exhibits belong to one of following cases:</p>

D Section continued

ARTICLE NO.	PROVISIONS
4	<ul style="list-style-type: none">a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from 13,000,000 VND to 20,000,000 VND.b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 7,000,000 VND to 12,000,000 VNDc. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between 7,000,000 VND and 10,000,000 VND. <p>(5) Receive an administrative fine from 30,000,000 to 50,000,000 VND for illegal actions in which exhibits belong to one of following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from 20,000,000 VND to 35,000,000 VND.b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from 12,000,000 VND to 20,000,000 VND.c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 10,000,000 VND and 15,000,000 VND. <p>(6) Receive an administrative fine from 50,000,000 to 100,000,000 VND for violations in which exhibits belong to one of following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth from 35,000,000 VND to 70,000,000 VNDb. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 20,000,000 VND to 40,000,000 VND.c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth from more than 15,000,000 VND to 30,000,000 VND. <p>(7) Receive a financial fine from 100,000,000 to 200,000,000 VND for violations in which exhibits belong to one of following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from 70,000,000 VND to 135,000,000 VND.b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 40,000,000 VND to 80,000,000 VND.c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 30,000,000 VND and 50,000,000 VND. <p>(8) Receive a financial fine from 200,000,000 to 300,000,000 VND for illegal actions in which exhibits belong to one of following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth from 135,000,000 VND to 200,000,000 VND.b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 80,000,000 VND to 120,000,000 VND.c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 50,000,000 VND and 80,000,000 VND. <p>(9) Receive a financial fine from 300,000,000 to 400,000,000 VND for illegal actions in which exhibits belong to one of following cases:</p> <ul style="list-style-type: none">a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife species worth from 200,000,000 VND to 270,000,000 VND.b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from more than 120,000,000 VND to 160,000,000 VND.c. Wild animals or their body parts, derivatives which are listed as endangered, rare and precious wildlife species of Group IB worth between more than 80,000,000 VND and 100,000,000 VND.

D Section continued

- (10) Receive a financial fine from 400,000,000 to 500,000,000 VND for violations in which exhibits belong to one of following cases:
- a. Wild animals or their body parts, derivatives not listed as endangered, rare or precious wildlife worth from over 270,000,000 VND.
 - b. Wild animals or their body parts, derivatives listed as endangered, rare and precious wildlife species of Group IIB worth from over 160,000,000 VND.
- (11) d. Wildlife or parts, derivatives of wildlife are listed as endangered, rare belong in group IB have value over 100 million VND [as amended by Decree No: 40/2015/ ND – CP Amending and supplementing a number of articles of the Decree No. 157/2013/ND-CP]
- (12) In cases where the forest products that have been being illegally traded, stored, processed have legal origin but the documents are not appliance with the law, the owner shall be given a fine as regulated in Article 24 of this Decree.
- Additional fines
- a. Persons who violate regulations stipulated in Items 1 through 10 of this article will have exhibits confiscated
 - b. Persons violating regulations in Item 5 through 10 of this article will have their business certificate withdrawn for six to 12 months.
- XXX

E Forest Protection and Development Law (No.29/2004/QH11) (14/12/2004)

AGENCY Ministry of Environment and Forestry

ARTICLE NO. **PROVISIONS**

- 12
- Prohibited acts
1. Illegally logging or exploiting forests.
 2. Illegally hunting, shooting, catching, trapping, caging or slaughtering forest animals.
 3. Illegally collecting specimens in forests.
 4. Illegally destroying forest resources or ecosystems.
 5. Violating regulations on forest fire prevention and fighting.
 6. Violating regulations on prevention and elimination of organisms harmful to forests.
 7. Illegally encroaching upon, appropriating, or changing use purposes of, forests.
 8. Illegally exploiting forest landscapes and environment as well as forestry services.
 9. Illegally transporting, processing, advertising, trading in, using, consuming, storing, exporting or importing forest plants and animals.
 10. Abusing one's positions and/or powers to act against the regulations on forest management, protection and development.
 11. Grazing cattle in the strictly-protected zones of special-use forests, newly-planted forests or coppices.
 12. Raising or releasing animals or planting trees, which are of species other than the native ones in special-use forests without permission of competent State agencies.
 13. Illegally exploiting biological resources, mineral resources and other natural resources; altering natural landscapes and developments of forests; exerting adverse impacts on the natural life of forest wildlife; illegally bringing toxic chemicals, explosives or inflammables into forests.
 14. Illegally assigning, leasing forests; exchanging, transferring, inheriting, donating, mortgaging, providing guarantee or contributing capital with forest use right value or value of planted production forests.
 15. Destroying works in service of forest protection and development.
 16. Other acts of harming forest resources and ecosystems.

F Environmental Law (No.52/2005/QH11) (2005)	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
7	<p>Prohibited practices</p> <ol style="list-style-type: none"> 1. Destroying or carrying out any unauthorized exploitation of forests or other natural resources. 2. Exploiting and catching natural living creatures by destructive means, apparatus or methods or not in the season and quantity stipulated by law. 3. Exploiting, trading, consuming and using rare and precious wild plants and animals on the prohibited lists issued by the competent State body. 4. Failing to bury toxic substances, radioactive substances, waste and other hazardous substances in stipulated places and in accordance with technical procedures for protection of the environment. 5. Discharging waste which has not been treated to environmental standards; discharging toxic, radioactive and other hazardous substances into land or water sources. 6. Emitting smoke, dust or gases with toxic substances or fumes into the atmosphere; discharging radiation, radioactivity and ionized substances in excess of the permissible environmental standards. 7. Causing noise and vibration in excess of the permissible standards. 8. Importing machinery, equipment and facilities which do not satisfy environmental standards. 9. Importing and transiting waste in any form. 10. Importing and transiting animals and plants which have not been quarantined and microorganisms which are not on the permitted list. 11. Producing and trading products which have a harmful effect on human health, living creatures and ecosystems; producing and using raw materials and building materials containing toxic elements in excess of the permissible standards. 12. Causing damage to or prejudicing natural heritage sites and nature conservation zones. 13. Causing damage to or prejudicing works, equipment and facilities used for environmental protection activities. 14. Carrying out unauthorized activities or living in zones which have been restricted pursuant to decision of a competent State body due to the extreme environmental danger to human life and health in such zones. 15. Concealing acts of destroying the environment, obstructing environmental protection activities, or distorting information resulting in adverse consequences to the environment. 16. Other prohibited practices regarding protection of the environment as stipulated by law.
G Biodiversity Law (No.20/2008/QH12) (13/11/2008)	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
	<p>Prohibited actions related to biodiversity</p> <ol style="list-style-type: none"> 1. Hunting, fishing and exploiting wild species in strictly protected sections of conservation areas, except for scientific research purposes; encroaching upon land, destroying landscape, deteriorating ecosystems and rearing or planting invasive alien species in conservation areas. 2. Building structures or houses in strictly protected sections of conservation areas, except works for defense and security purposes; illegally building works and houses in ecological restoration sections of conservation areas. 3. Investigating, surveying, exploring and exploiting minerals; raising cattle and poultry on a farm scale, conducting aquaculture on an industrial scale; illegally living and polluting the environment in strictly protected sections and ecological restoration sections of conservation areas.

G Section continued	
ARTICLE NO.	PROVISIONS
	<ol style="list-style-type: none"> 4. Hunting, fishing, exploiting bodily parts of, illegally killing, consuming, transporting, purchasing and selling species on the list of endangered precious and rare species prioritized for protection; illegally advertising, marketing and consuming products originated from species on the list of endangered precious and rare species prioritized for protection. 5. Illegally rearing or growing and planting or culturing wild fauna and flora species on the list of endangered precious and rare species prioritized for protection. 6. Illegally importing or releasing genetically modified organisms and genetic specimens of genetically modified organisms. 7. Importing and developing invasive alien species. 8. Illegally accessing genetic resources of species on the list of endangered precious and rare species prioritized for protection. 9. Illegally changing land use purposes in conservation areas.

H Decree No.179/2013/ND-CP on Penalties Imposed on Administrative Penalties in respect of Environmental Protection	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
4	<p>Mode and extent of penalty and solution for settling consequences</p> <p>(1) Main modes of extent of penalty Individuals and organizations who violate regulations on environmental protection shall be given one of the following fines:</p> <ol style="list-style-type: none"> a. Received a strong warning; b. Received a maximum fine of 1 billion VND if violator is individual and 2 billion VND if violator is organization. <p>(2) Additional penalties:</p> <ol style="list-style-type: none"> a. Withdraw the exploitation license of endangered, rare, precious and priority wildlife species; farming certificate of endangered, rare, precious and priority wildlife species; certificate of biodiversity conservation facilities; license to exchange, sell, buy, give, give as a gift, hire endangered, rare, precious and priority wildlife species or terminable suspension for one or 24 months in accordance with Item 2 of Article 25 of Law on Settlement of Administrative Violation since this law comes into force. b. Have exhibits and vehicles confiscated.
42	<p>Violations on parts, products of wild animals species listed as endangered, rare, precious and priority</p> <p>(1) Persons who illegally keep body parts and products of wildlife species that listed as endangered, rare, precious and priority shall be given one of the following fines:</p> <ol style="list-style-type: none"> a. Received a strong warning if the exhibits are worth less than 500,000 VND; b. Receive a financial fine from 2,000,000 to 5,000,000 VND if the exhibits are worth from 500,000 VND to less than 1,500,000 VND; c. Receive a financial fine from 5,000,000 to 15,000,000 VND if the exhibits are worth from 1,500,000 VND to less than 5,000,000 VND; d. Receive a financial fine from 15,000,000 to 30,000,000 VND if the exhibits are worth from 5,000,000 VND to less than 10,000,000 VND; e. Receive a financial fine from 30,000,000 to 60,000,000 VND if the exhibits are worth from 10,000,000 VND to less than 20,000,000 VND; f. Receive a financial fine from 60,000,000 to 120,000,000 VND if the exhibits are worth from 20,000,000 VND to less than 40,000,000 VND;

H Section continued

ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none">g. Receive a financial fine from 120,000,000 to 180,000,000 VND if the exhibits are worth from 40,000,000 VND to less than 60,000,000 VND;h. Receive a financial fine from 180,000,000 to 240,000,000 VND if the exhibits are worth from 60,000,000 VND to less than 80,000,000 VND;i. Receive a financial fine from 240,000,000 to 300,000,000 VND if the exhibits are worth from 80,000,000 VND to less than 100,000,000 VND;j. Receive a financial fine from 300,000,000 to 350,000,000 VND if the exhibits are worth from 100,000,000 VND to less than 130,000,000 VND;k. Receive a financial fine from 350,000,000 to 400,000,000 VND if the exhibits are worth from 130,000,000 VND to less than 150,000,000 VND;l. Receive a financial fine from 400,000,000 to 450,000,000 VND if the exhibits are worth from 150,000,000 VND to less than 170,000,000 VND;m. Receive a financial fine from 450,000,000 to 500,000,000 VND if the exhibits are worth 170,000,000 VND upward. <p>(2) Additional fines: Have the exhibits and vehicles confiscated for violations regulated in Items 1, 2, 3 of this article.</p>
43	<p>Violations on wildlife species in protected areas</p> <p>(1) Persons who illegally exploit wildlife species not listed as endangered, rare, precious and priority species in protected areas shall be fined as follows:</p> <ul style="list-style-type: none">a. Received a strong warning if the exhibits are worth less than 500,000 VNDb. Receive a financial fine from 1,000,000 to 3,000,000 VND if the exhibits are worth from 500,000 VND to less than 1,500,000 VND;c. Receive a financial fine from 3,000,000 to 10,000,000 VND if the exhibits are worth from 1,500,000 VND to less than 5,000,000 VND;d. Receive a financial fine from 10,000,000 to 20,000,000 VND if the exhibits are worth from 5,000,000 VND to less than 10,000,000 VND;e. Receive a financial fine from 20,000,000 to 40,000,000 VND if the exhibits are worth from 10,000,000 VND to less than 20,000,000 VND;f. Receive a financial fine from 40,000,000 to 80,000,000 VND if the exhibits are worth from 20,000,000 VND to less than 40,000,000 VND;g. Receive a financial fine from 80,000,000 to 120,000,000 VND if the exhibits are worth from 40,000,000 VND to less than 60,000,000 VND;h. Receive a financial fine from 120,000,000 to 160,000,000 VND if the exhibits are worth from 60,000,000 VND to less than 80,000,000 VND;i. Receive a financial fine from 160,000,000 to 200,000,000 VND if the exhibits are worth from 80,000,000 VND to less than 100,000,000 VND;j. Receive a financial fine from 200,000,000 to 320,000,000 VND if the exhibits are worth from 100,000,000 VND to less than 160,000,000 VND;k. Receive a financial fine from 320,000,000 to 400,000,000 VND if the exhibits are worth from 160,000,000 VND to less than 200,000,000 VND;l. Receive a financial fine from 400,000,000 to 500,000,000 VND if the exhibits are worth 200,000,000 VND upward; <p>(2) Additional fines: Have the exhibits and vehicles confiscated for violations regulated in this article</p>

AGENCY	Ministry of Justice
153	<p>Smuggling</p> <p>(1) Those who conduct illegal cross-border trading in one of the following objects shall be subject to a fine of between ten million dong and one hundred million dong or a prison term of between six months and three years:</p> <ul style="list-style-type: none">a. XXXb. XXXc. Banned goods in great volumes or the offenders have already been administratively sanctioned for acts defined in this Article or any of Articles 154, 155, 156, 157, 158, 159, 160 and 161 of this Code or have already been sentenced for one of these offenses, not yet entitled to criminal record remission but repeat their violations, if not falling under the cases defined in Articles 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code. <p>(2) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and seven years of imprisonment:</p> <ul style="list-style-type: none">a. in an organized manner;b. Being of professional nature;c. Dangerous recidivism;d. The goods involved are valued at between three hundred million dong and under five hundred million dong;e. Banned goods in great quantity;f. Gaining big illicit profits;g. Taking advantage of war conditions, natural calamities, epidemics or other particularly difficult situations;h. Abusing positions and/or powers;i. Abusing the names of agencies or organizations;j. Committing the crime more than once;k. Causing serious consequences. <p>(3) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:</p> <ul style="list-style-type: none">a. Objects involved are valued at between five hundred million dong and under one billion dong;b. The banned goods are in particularly great quantity;c. Gaining very great illicit profits;d. Causing very serious consequences. <p>(4) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment:</p> <ul style="list-style-type: none">a. Objects involved are valued at one billion dong or more;b. Gaining particularly great illicit profits;c. Causing particularly serious consequences. <p>(5) The offenders may also be subject to a fine of between three million dong and thirty million dong, the confiscation of part or whole of property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.</p>
154	<p>Illegal cross-border transportation of goods and/or currencies</p> <p>(1) Those who illegally transport across borders any of the following objects shall be subject to a fine of between five million dong and twenty million dong, non-custodial reform for up to two years or a prison term of between three months and two years:</p>

I Section continued

ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none">a. Goods, Vietnamese currency, foreign currency(ies), precious metals, gemstone valued between one hundred million dong and under three hundred million dong, or under one hundred million dong but the offenders have already been administratively sanctioned for acts defined in this Article or any of Articles 153, 155, 156, 157, 158, 159, 160 and 161 of this Code, or have been sentenced for one of these offenses, not yet entitled to criminal record remission but repeat their violations, if not falling under the cases defined in Articles 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code;b. Objects being historical and/or cultural relics and the offenders have already been administratively sanctioned but repeat their violations;c. The banned goods are in great quantity or the offenders have already been administratively sanctioned for acts defined in this Article or any of Articles 153, 155, 156, 157, 158, 159, 160 and 161 of this Code or have already been sentenced for one of these offenses, not yet entitled to criminal record remission but repeat their violations, if not falling under the cases defined in Articles 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code; <p>(2) Committing the crime in one of the following cases, the offenders shall be sentenced to between two and five years of imprisonment:</p> <ul style="list-style-type: none">a. Object involved in the offense is valued between three hundred million dong and under five hundred million dong;b. The banned goods are in very great quantity;c. Abusing positions and/or powers;d. Abusing the names of agencies or organizations;e. Committing the crime more than once;f. Dangerous recidivism. <p>(3) Committing the crime with goods valued at five hundred million dong or more or banned goods in particularly great quantity, the offenders shall be sentenced to from five to ten years of imprisonment.</p> <p>(4) The offenders may also be subject to a fine of between five million dong and ten million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.</p>
155	<p>Manufacturing, stockpiling, transporting and/or trading in banned goods</p> <p>(1) Those who manufacture, stockpile, transport and/or trade in goods banned from business by the State in great quantity, gain great illicit profits or who have been administratively sanctioned for acts defined in this Article or Articles 153, 154, 156, 157,158, 159 and 161 of this Code or have already been sentenced for one of these offenses, not yet entitled to criminal record remission but repeat their violations, if not falling under the cases stipulated in Articles 193, 194, 195, 196, 230, 232, 233, 236 and 238 of this Code, shall be subject to a fine of between five million dong and fifty million dong or a prison term of between six months and five years of imprisonment.</p> <p>(2) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:</p> <ul style="list-style-type: none">a. In an organized manner;b. Abusing positions and/or powers;c. Abusing the names of agencies or organizations;d. Being of professional character;e. Goods involved in the offense are in very great quantity or gaining very great illicit profitsf. Dangerous recidivism. <p>(3) Committing the crime with particularly great quantity of goods or particularly great illicit profits, the offenders shall be sentenced to between eight and fifteen years of imprisonment.</p>

I Section continued

ARTICLE NO.	PROVISIONS
	<p>(4) The offenders may also be subject to a fine of between three million dong and thirty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.</p>
175	<p>Breaching regulations on forest exploitation and protection</p> <p>(1) Those who commit one of the following acts causing serious consequences or who have already been administratively sanctioned for such act or have already been sentenced for this offense, not yet entitled to criminal record remission but still commit them, shall be subject to a fine of between five million dong and fifty million dong, non-custodial reform for up to three years or subject to a prison term of between three months and three years:</p> <ul style="list-style-type: none">a. Illegally exploiting forest trees or committing other acts of violating the State's regulations on forest exploitation and protection, if not falling under the cases specified in Article 189 of this Code;b. Illegally transporting and/or trading in timber, if not falling into the cases specified in Article 153 and Article 154 of this Code. <p>(2) Committing the crime in very serious or particularly serious cases, the offenders shall be sentenced to between two years and ten years of imprisonment.</p> <p>(3) The offenders may also be subject to a fine of between five million dong and twenty million dong.</p>
176	<p>Breaching regulations on forest management</p> <p>(1) Those who take advantage of or abuse their positions and/or powers, committing one of the following acts and causing serious consequences or who have been disciplined for such acts but still commit them, shall be subject to non-custodial reform for up to three years or to a prison term of between six months and three years:</p> <ul style="list-style-type: none">a. Illegally assigning forests and/or forest land or recovering forests and/or forest land;b. Illegally permitting the transfer of the use purposes of forests and/or forest land;c. Illegally permitting the exploitation and/or transportation of forest products. <p>(2) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two to seven years of imprisonment:</p> <ul style="list-style-type: none">a. In an organized manner;b. Committing the crime more than once;c. Causing very serious consequences; <p>(3) Committing the crime which entails particularly serious consequences, the offenders shall be sentenced to between five and twelve years of imprisonment.</p> <p>(4) The offenders may also be subject to a fine of between ten million dong and one hundred million dong, a ban from holding certain posts for one to five years.</p>
188	<p>Destroying aquatic resources</p> <p>(1) Those who breach regulations on the protection of aquatic resources in one of the following circumstances, causing serious consequences, or who have already been administratively sanctioned for such acts or sentenced for such offenses, not yet entitled to criminal record remission but still commit them, shall be subject to a fine of between ten million dong and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and three years:</p> <ul style="list-style-type: none">a. Using toxic substances, explosives, chemicals, electric current or banned fishing means and gears to exploit aquatic products or destroy aquatic resources;b. Exploiting aquatic products in restricted areas, during the spawning seasons of a number of species or other time periods banned by law;c. Exploiting aquatic products of precious and rare species, the exploitation of which is banned under Government regulations;

I Section continued

ARTICLE NO.	PROVISIONS
	<p>d. Destroying the habitats of precious and rare aquatic species protected under Government regulations;</p> <p>e. Breaching other regulations on the protection of aquatic resources.</p> <p>(2) Committing the crime and causing serious or particularly serious consequences, the offenders shall be subject to a fine between fifty million dong and two hundred million dong or a prison term of between two and five years.</p> <p>(3) The offenders may also be subject to a fine of from two million dong to twenty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.</p>
189	<p>Destroying forests</p> <p>(1) Those who illegally burn or destroy forests or commit other acts of forest destruction, causing serious consequences or who have already been administratively sanctioned for such acts but still commit them, shall be subject to a fine of between ten million and one hundred million dong, non-custodial reform for up to three years or a prison term of between six months and five years.</p> <p>(2) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:</p> <ul style="list-style-type: none">a. In an organized manner;b. Abusing positions and/or powers or abusing the names of agencies or organizations;c. Destroying a very large forest area;d. Felling and destroying plants of precious and rare species on the lists prescribed by the Government;e. Causing very serious consequences. <p>(3) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:</p> <ul style="list-style-type: none">a. Destroying a particularly vast forest area;b. Destroying protection forests, special-use forests;c. Causing particularly serious consequences. <p>(4) The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.</p>
190	<p>Breaching regulations on protection of animals on the list of endangered, precious and rare species prioritized for protection</p> <p>(1) Those who illegally hunt. Kill, transport, raise, cage or traffic in animals on the list of endangered, precious and rare species prioritized for protection or illegally transport or traffic in body organs or products of these animal species shall be imposed a fine of between fifty million and five hundred million dong, subject to non-custodial reform of up to three years or a prison term of between six months and three years.</p> <p>(2) Committing the crime in any of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:</p> <ul style="list-style-type: none">a. In an organized manner;b. Abusing positions and powers;c. Using banned hunting tools or devices;d. Hunting in no-hunting zones or seasons;e. Causing very or particularly serious consequences. <p>(3) Offenders may also be imposed a fine of between ten million and one hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.</p>

<i>I Section continued</i>	
ARTICLE NO.	PROVISIONS
191	<p>Breaching regulations on management of nature reserves</p> <p>(1) Those who breach regulations on management of nature reserves, causing serious consequences, shall be imposed a fine of between fifty million and five hundred million dong, subject to non-custodial reform of up to three years or a prison term of between six months and three years.</p> <p>(2) Committing the crime with serious consequences to strictly protected sub-zones, offenders shall be sentenced to between two and five years of imprisonment.</p> <p>(3) Committing the crime in any of the following circumstances, offenders shall be sentenced to between three and ten years of imprisonment:</p> <ul style="list-style-type: none"> a. In an organized manner; b. Using banned hunting tools or devices; c. Causing very or particularly serious consequences to strictly protected sub-zones. <p>(4) Offenders may also be imposed a fine of between ten million and one hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.</p>

<i>J Joint Circular No.19/2007/TTLT/BNNInter-agency Circular outlining guidelines for the application of certain articles in the Criminal Code to violations of forest protection and management laws</i>	
AGENCY	Ministry of Agriculture and Rural Development; Ministry of Justice; Ministry of Police; People's Supreme Procuracy
ARTICLE NO.	PROVISIONS
1	<p>Violation of regulations relating to forest protection and exploitation (Article 175 of the Criminal Code)</p> <p>(1.1) Crimes relating to the illegal exploitation of wood include:</p> <ul style="list-style-type: none"> a. Exploitation of trees from production forest, protective forest, or special use forest without a permit from the authorized state agencies. b. Exploitation of forest trees from a restricted area. c. Exploitation of forest trees without a ranger's stamp. d. Exploitation of forest trees in excess of the authorized amount. <p>(1.2) "Two violations at the same time" refers to the case where illegal exploitation of forest trees is conducted in addition to another activity violating the State regulations on forest protection and exploitation.</p> <p>In the case of illegal exploitation of trees or forest products from designated areas of forest that State authorized agencies have handed down to local organizations, households or individuals to use for regeneration purposes, on the understanding that they will invest money in plantation and protection of the area, punishment will be applied as follows:</p> <ul style="list-style-type: none"> a. If the forest owners exploit forest trees illegally, they will be subject to a fine as regulated in Article 175 of the Criminal Code. b. If the individual or group responsible for exploiting the trees is not the forest owner, punishment will be applied as regulated in the relevant articles of Chapter XIV of the Criminal Code. <p>(1.3) "Illegal smuggling and transportation of timber" refers to the act of transporting and purchasing timber in a manner that does not follow State regulations; for example, transporting timber without the necessary legal documents, or trading timber without a permit or with an expired permit.</p> <p>In the case of illegal transportation of timber across national borders, punishment will be determined on a case by case basis, depending on the seriousness of the violation.</p> <p>According to Article 153 and 154 of the Criminal Code, the violator may be prosecuted for criminal responsibility.</p>

(1.4) To “cause serious damage”, as described in Item 1 of Article 175 of the Criminal Code, is defined as:

- a. Causing damage to an area of forest (excluding forest animals) ranging in size from the maximum area for which an administrative fine would apply to twice this area.

For example, in the case that timber from an area of production forest listed in Group IV to Group VIII is exploited, the maximum area for which an administrative fine would apply is 20m³. As such, exploitation of 20m³ to 40m³ is considered to be serious.

- b. Illegally exploiting, transporting or trading two or more types of timber (common timber in Group I to III and common timber in Group IV to VIII; common timber and rare or precious timber in Group IIA) where the total volume of timber exceeds the maximum quantity for which an administrative fine would apply. For example,

Example 1: Mr A illegally exploits 13m³ of common round timber in Group IV to VIII and 9m³ of common round timber in Group I to III. The total quantity Mr A has exploited is 22 m³ and the maximum quantity for which an administrative fine would apply is 20 m³, so his violation is considered serious.

Example 2: Mr B illegally exploits 11 m³ of common round timber in Group IV to VIII, 7m³ of common round timber in Group I to III and 5 m³ of rare and precious timber in Group IIA. The total quantity Mr B has exploited is 23m³ and the maximum quantity for which an administrative fine would apply is 20m³, so his violation is considered serious.

Example 3: Mr C illegally transports 13 m³ of common round timber in Group IV to VIII, 5m³ of common round timber in Group I to III and 3m³ of rare and precious round timber in Group IIA. The maximum quantity for which an administrative fine would apply in the case of illegal transportation of timber is 20m³, and the total quantity Mr C has transported is 21m³, so his violation is considered serious.

- c. Illegally exploiting up to 2m³ of rare and precious timber in Group IA from production forest, up to 1.5m³ from protective forest and up to 1m³ from special use forest.
- d. Illegally exploiting rare, precious and endangered forest plants listed in Group IA to the value of three million Vietnam Dong (VND) from production forest; two million VND from protective forest; and one million VND from special use forest.
- e. Illegally transporting and trading up to 2m³ of rare and precious timber listed in Group IA.

(1.5) “Committing a crime in very serious manner”, as described in Item 2 of Article 175 of the Criminal Code refers to one of the following crimes:

- a. Causing damage to an area of forest (excluding forest animals) two to four times larger than that for which an administrative fine would apply. For example, the maximum volume for which an administrative fine would apply for illegal exploitation of round timber listed in Group IV to VIII is 20m³, so illegally exploiting from 40 m³ to 80 m³ is considered very serious;

- b. Illegally exploiting, transporting or trading two or more types of timber, including common timber listed in Group I to III, common timber listed in Group IV to VIII, and common or rare and precious timber listed in Group IIA, with the total volume of timber being two to four times larger than the maximum volume for which an administrative fine would apply, for the common timber species listed in Group IV to VIII;

For example: Mr. A illegally exploits, from an area of production forest, 19m³ of common round timber listed in Group IV to VIII, 13 m³ of common round timber in Group I to III and 9m³ of rare and precious timber in Group IIA. The total volume of timber is 41 m³ but the maximum quantity for which an administrative fine applies for common round timber in Group IV to VIII from production forest is 20m³, so Mr. A's violation is considered very serious.

- c. Illegally exploiting rare and precious timber in Group IA; rare and precious forest plants in Group IA, where the quantity of timber or plants is at least twice as much as the maximum quantity regulated in point (c) and (d) of section 1.4 of section 1.

Example 1: Illegally exploiting 2.5m³ of rare and precious timber in Group IA from production

ARTICLE NO.	PROVISIONS
	<p>forest is considered extremely serious because the illegal exploitation of up to 2 m³ is considered a very serious crime.</p> <p>Example 2: Illegally exploiting rare and precious forest plants from protective forest with a total value of 2,500,000 VND is considered extremely serious because the illegal exploitation of rare and precious plants from protective forest with a total value of up to 2,000,000 VND is considered a very serious crime.</p> <p>d. Illegally trading or transporting rare and precious plants in Group IA, where the traded or transported quantity is at least twice as much as the maximum quantity defined as constituting a serious crime in point (e) of section 1.4 of sub-Item 4.</p> <p>For example: The act of illegally transporting and trading 3m³ of rare and precious timber in Group IA is considered very serious because the maximum volume of timber necessary for it to be considered a serious crime is 2m³.</p> <p>To cause serious consequences, as defined in section 1.4 of sub-Item 1, involves participating in one of the following activities but in a manner that is not serious enough to be prosecuted for criminal responsibility:</p> <ul style="list-style-type: none"> • Fighting against the authorities • Injuring the authorities • Causing loss or damage to the office, equipment or other facilities belonging to agencies of forest protection and management <p>(1.6) “Causing an extremely serious crime”, as described in Item 2 of Article 175 of the Criminal Code refers to one of the following violations:</p> <p>a. Causing damage to forest products (excluding forest animals), where the level of damage is more than four times higher than the maximum level for which an administrative fine would apply.</p> <p>b. Illegally exploiting, transporting and trading two or more types of timber (common timber in Group I to III and common timber in Group IV to VIII; common timber and rare and precious timber in Group IIA), where the total volume of timber is four or more times greater than the maximum volume for which an administrative fine would apply for common timber in Group IV to VIII</p> <p>c. Illegally exploiting rare or precious timber in Group IA; or rare, precious and endangered forest (timber) in Group IA, where the exploited volume is higher than that for which it would be considered a very serious crime.</p> <p>d. Illegally transporting and trading rare or precious timber in Group IA, where the quantity is higher than for which it would be considered a very serious crime.</p> <p>e. Violating two regulations at the same time: one regulated in point (a), (b), (c), (d) and one regulated in point (e) of section 1.5 of sub-Item 1.</p> <p>(2) Forest Management XXX</p> <p>(3) Forest destruction (Article 189 in the Criminal Code)</p> <p>(3.1) “(Causing an) illegal forest fire” refers to the intentional act of burning forest for any purpose without a permit from the state or other relevant authorities.</p> <p>(3.2) “Illegal forest destruction” refers to the act of destroying forest, cutting trees, or any other illegal activity causing death or damage to forest trees for any purpose, except in any of the circumstances mentioned in section 1.1 and 1.2 of sub-Item 1 in IV.</p> <p>(3.3) “Other forest damage” refers to any illegal activities that result in the death of a number of trees and/or cause forest soil pollution, including but not limited to digging, exploding mines, excavation, preventing the tidal flow into forest area, dumping water or releasing toxic agents into the forest.</p> <p>Any activities that involve illegally burning, destroying or damaging planted forests, or regenerated forests, that have been allocated to any organization, group, family or individual by the State’s competent agencies for their stable and long-term use for forestation purposes, and are invested in, taken care of and protected by them, will be punished as follows:</p>

ARTICLE NO.	PROVISIONS
	<p>a. If the forest owner undertakes any activity that involves burning; destroying or damaging the forest, they will be subject to criminal prosecution in accordance with Article 189 of the Criminal Code.</p> <p>b. Any individual or group who burns, destroys or damages the forest; but who is not the forest owner; will be prosecuted for their criminal responsibility in accordance with relevant articles in Chapter XIV: "Violation relating to possession of property" of the Criminal Code.</p> <p>(3.4) "Causing serious consequence" as described in Item 1 of Article 189 in the Criminal Code refers to the following cases:</p> <p>a. Burning, destroying or damaging an area of production forest ranging from anything above the maximum area for which a financial fine would apply, to twice this area.</p> <p>For example: The maximum violation for which a financial fine would apply, in accordance with the relevant law, is the destruction of 10,000 m² of production forest. Van V Nguyen destroys 15,000 m² of production forest. His activity is legally considered to cause serious consequences.</p> <p>b. Causing a loss in the value of natural production forest of 60 to 100 million VND; a loss in the value of planted production forest or regenerated allocation forest of 50 to 100 million VND; if it is impossible to calculate the size of the burned or damaged forest area; or if different forest fragments in different sectors have been destroyed.</p> <p>Any destruction of forest that leads to loss of human life, health or the property of the State, a community or an individual, will be subject to criminal prosecution, and punished not only for destroying forest, but also for the correlative crimes, as stipulated in the Criminal Code.</p> <p>(3.5) On the regulation of punishment as described in Item 2 of Article 189 in the Criminal Code</p> <p>a. "Destroying a very large area of forest" is defined as destroying an area of production forest that is two to four times as large as the maximum area for which a financial fine would apply.</p> <p>For example: Anyone found guilty of destroying production forest of 10,000 m² or less would be subject to a financial fine. Dinh S Tran destroys an area of production forest of 30,000 m². Mr. S's violation is considered to constitute destroying a very large area of forest.</p> <p>b. "Cutting or clearing rare and precious plants mentioned in the Government's list" is defined as cutting or clearing critical, precious and/or rare plants listed in Groups IA and 2A</p> <p>Activities that involve cutting or destroying endangered, precious and/or rare plants listed in Groups IA, to the value of 30 to 60 million VND, or IIA, to the value of 50 to 100 million VND, and in the case that it is not possible to determine whether the damage is regulated in section 3.4 of sub-Item 3 (which refers to destruction of forest in many different areas in one or more sectors), will be subject to criminal prosecution in accordance with point (d) of Item 2 in Article 189 of the Criminal Code.</p> <p>c. "Causing very serious consequence" is defined as causing serious consequence as outline in section 3.4 of sub-Item 3, as well as engaging in one or more of the following activities: fighting with the authorities; causing injury to the authorities; destroying the work place, facilities, or other property of the agency in charge of forest management and protection, though in a manner that is not serious enough to be prosecuted for criminal responsibility for each individual violation.</p> <p>(3.6) On the regulation of punishment as described in Item 3 of Article 189 in the Criminal Code</p> <p>a. "Destroying an extremely large area of forest" is to destroy an area of production forest four times larger than that for which a financial fine would apply.</p> <p>b. "Destroying protective forest and special use forest" refers to destruction of these types of forest when the damaged area is larger than that for which a financial fine would apply.</p>

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	<p>c. “Causing extremely serious consequence” refers to:</p> <ol style="list-style-type: none"> 1. The destruction of endangered, precious and/or rare plants listed in Group IA and worth more than 60 million VND, and those listed in Group IIA worth more than 100 million VND, if the activity is not regulated in point (a) or (b) of section 3.6 in sub-Item 3; 2. Causing damage or loss as mentioned in point (a) or (b) of section 3.5 in sub-Item 3 and committing one of the following activities: fighting with authorities that results in injury to the authorities; or damaging the work place, facilities, or property of the agency in charge of forest management and protection, in a manner that is not serious enough to be prosecuted for criminal responsibility for each individual violation. <p>(4) Violation of protection laws relating to precious and/or rare wildlife (Article 190 of the Criminal Code)</p> <p>(4.1) “Illegally hunting, killing, transporting or trading precious and/or rare wildlife” is to hunt, kill, transport, or trade endangered, precious, and/or rare wildlife listed in Group IB without a permit from authorized state agencies or with a permit, but in a manner that exceeds the boundaries of the permit.</p> <p>(4.2) “Illegally transporting or trading products of these species” is to transport or trade products, including meat, bones, horns, skins, furs, tusks, nails, scales, teeth and other products derived from endangered, precious, and/or rare wildlife listed in Group IB, without a legal permit. If these products are confiscated by the authorities after they have been processed into goods or materials used in production, they will be disposed of in accordance with regulations relating to prohibited products.</p> <p>(4.3) Illegally hunting, killing, or transporting precious and/or rare wildlife as prohibited under the Government’s Regulation will be subject to criminal prosecution in accordance with Item 1 of Article 190 of the Criminal Code if belonging to one of following cases:</p> <ol style="list-style-type: none"> a. Illegally hunting, killing, transporting, or trading precious and/or rare wildlife listed in Group IB is defined as “causing extremely serious consequence” if the activity involves the minimum number of individual animals outlined in the Appendix attached to this Circular. b. Transporting or trading products derived from endangered, precious and/or rare species listed in Group IB worth at least 50 million VND. <p>(4.4) On the regulation of punishment as stipulated in Item 2 of Article 190 in the Criminal Code</p> <ol style="list-style-type: none"> a. “Using prohibited hunting tools or vehicles” is to use military weapons (including modified ones), toxic arrows, (to dig) tunnels, (to place) stakes, large traps, traps with stakes, traps with javelins, trap doors, (to use) big timber or big iron saws, (to use) lights, (to use) guns and other dangerous tools and any other means to hunt wildlife in a designated area that have been prohibited by the authorized agencies. b. Hunting in a prohibited area is to hunt wildlife within the boundaries of Natural Reserves, National Parks or in other prohibited area as determined by State authorized agencies. c. Hunting during a prohibited period is to hunt endangered, precious and/or rare wildlife during its breeding or migration season. d. “Causing very serious consequence” refers to any of the following cases: <ol style="list-style-type: none"> 1. Hunting, killing, transporting, or trading endangered, precious and/or rare wildlife listed in Group IB, with the number of individual animals exceeding that outlined in the Appendix attached to this Circular; 2. Hunting, killing, transporting, or trading endangered, precious and/or rare wildlife listed in Group IB and worth 50 to 100 million VND; 3. Hunting, killing, transporting, or trading endangered, precious and/or rare wildlife with a volume below the level considered to “cause very serious consequence” mentioned in the Appendix attached to this Circular; and the illegal transport or trade of products of endangered, precious and/or rare wildlife listed in Group IB and worth at least 50 million VND.

J Section continued

ARTICLE NO.	PROVISIONS
	<p>f. "Causing extremely serious consequence" refers to any of the following cases:</p> <ol style="list-style-type: none"> 1. Hunting, killing, transporting, or trading of endangered, precious and/or rare wildlife listed in Group IB with the volume mentioned in the Appendix attached to this Circular; 2. Illegally transporting or trading products derived from endangered, precious and/or rare wildlife species listed in Group IB and worth more than 100 million VND; 3. Hunting, killing, transporting, or trading of endangered, precious and/or rare wildlife listed in Group IB, with a volume considered to "cause very serious consequence" as defined in the Appendix attached to this Circular; and the illegal transporting or trading of products of endangered, precious and/or rare wildlife listed in Group IB, and worth 50 to 100 million VND. <p>(4.5) In case of illegally hunting, killing, transporting, or trading of two or more endangered, precious and rare species listed in Group IB, the determination of "causing very serious consequence" or "causing extremely serious consequence" in the Appendix attached to this Circular is carried out as follows:</p> <ol style="list-style-type: none"> a. If the volume of a species of endangered, precious and/or rare wildlife reaches the level at which it is considered to "cause extremely serious consequence", that case is considered as "causing extremely serious consequence". The volume of any other species is also considered when deciding the punishment applied to the violators. b. If the volume of a species of endangered, precious and/or rare wildlife only reaches the level at which it is considered to "cause very serious consequence" or if it is less than that considered to "cause serious consequence", the total volume of all species will be compared with the species with the highest volume in the Appendix attached to this Circular, to determine whether the case belongs to Item 1 in Article 190 of the Criminal Code or if it should be defined as "causing very serious consequence" or "causing extremely serious consequence".

4.2 INTER-AGENCIES NATIONAL TASK FORCE MANDATED TO IMPLEMENT /ENFORCE WILDLIFE LAWS AND OTHER ASSOCIATED LAWS RELEVANT TO COMBATING WILDLIFE TRAFFICKING

A Decision of Ministry of Agriculture and Rural Development on Strengthening the Steering Committee for Wildlife Law enforcement. (Decision No. 1632/QD-BNN-TCCB) (16/07/2013)

AGENCY	Agency members of Vietnam-WEN: Vietnam Administration of Forestry, Forest Protection Department, Vietnam CITES Management Authority (Ministry of Agriculture and Rural Development), Biodiversity Conservation Department (Ministry of Natural Resources and Environment), Market Control Department (Ministry of Industry and Trade), Investigation and Anti-Smuggling Department - Vietnam Custom (Ministry of Finance), Environment Police, Agriculture and Rural Security Department (Ministry of Public Security) and Against Drug Crime Department - Border Army (Ministry of National Defense).
ARTICLE NO.	PROVISIONS
	Established a National Committee to develop policies and identify priorities for controlling illegal wildlife trade; report to the Government for the wildlife-related issues; develop the national action plan for controlling illegal trade in wildlife

4.3 WILDLIFE TRAFFICKING IS A SERIOUS CRIME PUNISHABLE BY A MAXIMUM FOUR YEARS IMPRISONMENT OR A MORE SERIOUS PENALTY¹ OR BY LAW

A *Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999), As amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010)*

AGENCY Ministry of Justice

ARTICLE NO. **PROVISIONS**

153, 154, 155, 175, 176, 188, 189, 190, 191 Please see provisions in section 4.1(l) Criminalization of Trafficking of Wildlife and Timber

4.4 PROTECTION OF NON-NATIVE SPECIES

A *Decree on Management of Export, Import, Re-export and introduction from the Sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006)*

AGENCY Ministry of Agriculture and Rural Development

ARTICLE NO. **PROVISIONS**

1 Range of application
This Decree provides detailed stipulations on export, import, re-export, introduction from the sea, transit, breeding, rearing and artificial propagation of rare, endangered and precious wild animals and plants (including cross-bred species) comprised of:

- a. Specimens of wild animals and plants in compliance with stipulations in Appendix I, II and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter called CITES Convention).
- b. Specimens of wild animals and plants in compliance with the laws of Vietnam.

3 Regulations on conditions for exports, imports, re-exports and introductions from the sea of wild animals and plants listed in CITES Appendixes.

- (1) Exports, imports, re-exports and introductions from the sea of specimens listed in CITES Appendix I for commercial purposes are prohibited.
- (2) CITES permit and certificate regulated in terms No. 1, 2, 3 of Article 15 in this Decree are required for
 - a. Import, export, or re-export of specimens regulated in Appendix I of CITES for a non-commercial purpose, specimens regulated in Appendix II and III of CITES, and pre-convention specimens.
 - b. Introduction from the sea of specimens regulated in Appendix I of CITES for non-commercial purpose, and of specimens regulated in Appendix II of CITES.
- (3) Specimens which belong to individuals and households are exempted from CITES permit and certificate once the following conditions are satisfied:
 - a. Specimens are used for non-commercial purpose.
 - b. Specimens are carried while moving between countries as personal property or household utensil.
 - c. The number of specimens does not exceed the regulation of CITES, which are applicable to some wild animals and plants.

¹ Per definition in UNTOC

B Environmental Law 2005 (No.52/2005/QH11) (2005)	
AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
4	<p>Principles for environmental protection</p> <p>(1) Environmental protection must co-ordinate harmoniously with economic development and ensure social progress in order to achieve national sustainable development. Protection of the national environment must be associated with protection of the regional and global environment.</p>
7	<p>Prohibited practices</p> <p>(1) Destroying or carrying out any unauthorized exploitation of forests or other natural resources.</p> <p>(2) Exploiting and catching natural living creatures by destructive means, apparatus or methods or not in the season and quantity stipulated by law.</p> <p>(3) Exploiting, trading, consuming and using rare and precious wild plants and animals on the prohibited lists issued by the competent State body.</p> <p>(4) XXX</p> <p>(5) XXX</p> <p>(6) XXX</p> <p>(7) XXX</p> <p>(8) XXX</p> <p>(9) XXX</p> <p>(10) Importing and transiting animals and plants which have not been quarantined and microorganisms which are not on the permitted list.</p> <p>(11) XXX</p> <p>(12) XXX</p> <p>(13) XXX</p> <p>(14) XXX</p> <p>(15) Concealing acts of destroying the environment, obstructing environmental protection activities, or distorting information resulting in adverse consequences to the environment.</p> <p>(16) Other prohibited practices regarding protection of the environment as stipulated by law.</p>

4.5 CATEGORIES OF WILDLIFE

A Decree on Management of Export, Import, Re-export, and Introduction from the Sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006)	
AGENCY	Ministry of Agriculture and Rural Development and Ministry of Fisheries
ARTICLE NO.	PROVISIONS
1	<p>Range of application</p> <p>This Decree provides detailed stipulations on export, import, re-export, introduction from the sea, transit, breeding, rearing and artificial propagation of rare, endangered and precious wild animals and plants (including cross-bred species) comprised of:</p> <p>a. Specimens of wild animals and plants in compliance with stipulations in Appendix I, II and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter called CITES Convention).</p> <p>b. Specimens of wild animals and plants in compliance with the laws of Vietnam.</p>
2	<p>XXX CITES APPENDIXES include:</p> <p>a. CITES APPENDIX I is a list of species of wild animals and plants that are threatened with extinction and are prohibited from export, import, re-export, introduction from the sea and transit of the specimens from the wild for commercial purpose.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none"> b. CITES APPENDIX II is a list of species of wild animals and plants that, at present, are not threatened by extinction but may become so if exports, imports, re-exports, introductions from the sea and transits of their specimens from the wild for commercial purpose are not strictly regulated; and c. CITES APPENDIX III is a list of species of wild animals and plants that a CITES Party state has requested cooperation in controlling imports and exports and re-exports of, from other CITES Party states.
2	<p>XXX RARE AND PRECIOUS SPECIES regulated by the laws of Vietnam include:</p> <ul style="list-style-type: none"> a. GROUP I includes species that have special or high scientific, environmental or economic values, and whose population in the wild are very limited, being on the critical edge of extinction. These species are prohibited from being exploited and used for commercial purpose. b. GROUP II includes wild animal and plant species that have scientific, environmental or economic values, and whose population in the wild are very limited and are on the edge of extinction. These species are restricted from being exploited and used for commercial purpose.

B Decree on Management of Endangered, Precious, and Rare Species of Wild Fauna and Flora (No.32/2006/ND-CP) (30/03/2006)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
2	<p>Classification of endangered, precious, and rare species of wild plants and animals.</p> <p>(1) Terminology explanation:</p> <p>Endangered, precious, and rare species of wild plants and animals are species which have special values of economics, sciences and environment, and have very few populations existing in the wild or they are in the danger of extinction and are listed in the endangered, precious, and rare species of wild plants and animals list issued by the Government.</p> <p>(2) Endangered, precious, and rare species of wild plants and animals are classified into two groups (the list attached) as follows:</p> <ul style="list-style-type: none"> a. Group I: Prohibiting exploitation and use for commercial purposes, including wild plants, animals, which are especially valuable to science and the environment or have highly economical value, or for which populations are very small in the wild or are in high risk of extinction. <p>Wild plants and animals of Group I are classified into:</p> <ul style="list-style-type: none"> Group IA: includes wild plants. Group IB: includes wild animals. <ul style="list-style-type: none"> b. Group II: Restricting exploitation and use for commercial purposes, including wild plants and animals, which are valuable to sciences and the environment or have highly economical value, for which populations are small in the wild or are in risk of extinction. <p>Wild plants and animals of Group II are classified into:</p> <ul style="list-style-type: none"> Group IIA: includes wild plants. Group IIB: includes wild animals.

4.6 MECHANISM FOR REVIEW AND UPDATE OF PROTECTED SPECIES LIST

A *Decree on Criteria for determining species and management mechanisms for the species under the list of rare, precious and endangered species prioritized for protection (No.160/2013/ND-CP) (12/11/2013)*

AGENCY Ministry of Natural Resources and Environment

ARTICLE NO. PROVISIONS

1 Scope of regulation
This Decree stipulates criteria to determine species and regime of managing species under list of endangered, precious and rare species prioritized protection; promulgates list of endangered, precious and rare species prioritized protection.
Breeding, rearing, artificial culture of species under list of endangered, precious and rare species prioritized protection; and exchange, export, import, purchase and sale, gifting, transport of species under list of endangered, precious and rare species prioritized protection and products of these species in serve of commercial purpose are not under scope of regulation by this Decree.

2 Subjects of application
This Decree applies to domestic agencies, organizations, households and individuals, oversea Vietnamese; foreign organizations and individuals carrying out activities related to the management of species under list of endangered, precious and rare species prioritized protection (hereinafter referred to as species prioritized protection) in Vietnam.

B. *Decree on Management of Export, Import, Re-export, and Introduction from the Sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006)*

AGENCY Ministry of Agriculture and Rural Development and Ministry of Fisheries

ARTICLE NO. PROVISIONS

14 The Vietnam CITES Scientific Authority
(1) Institute of Ecological and Biological Resources under Vietnam Institute of Scientific and Technologies, Institute of Forestry Science of Vietnam under the Ministry of Agriculture and Rural Development, Aquatic Research Institute under the Ministry of Aquatic Ministry and Centre for Resources, and Environment Studies under the National University of Hanoi all belong to the Vietnam CITES Scientific Authority.
(2) Vietnam CITES Scientific Authority:
To provide scientific consultation to the Vietnam CITES Management Authority and relevant management authorities on the following issues:
- The distribution area; population status; levels of rare, endangered and precious wild animals and plants in the wild.
- Issuance of CITES permit and certification on export, import, re-export, introduction from the sea and transit of wild, rare, endangered and precious animals and plants regulated in Article 15 of this Decree.
- Identification of scientific names of species of animals and plants, and technical specifications of specimens of wild animals and plants.
- Centre for rescuing and taking care of rare specimens and suitable living environment to release confiscated wild animals into.
- Breeding, rearing farms and artificial propagation operations for release of wild animals and plants, assessment of projects on breeding, rearing and artificial planting of wild animals and plants.

C Fisheries Law (No. 17/2003/QH11) (26/12/2003)

AGENCY	Ministry of Natural Resources and Environment
ARTICLE NO.	PROVISIONS
8	<p>(3) The Ministry of Fisheries shall periodically announce:</p> <ul style="list-style-type: none">a. The list of aquatic species already inscribed in the red book of Vietnam and other species banned from exploitation; the list of aquatic species banned from exploitation for definite periods and the periods when exploitation is banned;b. Exploiting methods, exploiting occupations, fishing tools banned from use or subject to restricted use;c. Categories and minimum sizes of aquatic species permitted for exploitation, and exploitation seasons;d. Areas where exploitation is prohibited and areas where exploitation is prohibited for definite periods.

4.7 HUNTING OF WILDLIFE

A Decree on Management of Endangered, Precious, and Rare Species of Wild Fauna and Flora (No.32/2006/ND-CP) (30/03/2006)

AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
5	<p>(3) Following activities are prohibited:</p> <ul style="list-style-type: none">a. Exploit endangered, precious, and rare wild plants; hunt, shoot, trap, capture, keep, slaughter endangered, precious, and rare wild animals in violation of this Decree and the regulations of existing law.b. Transport, process, advertise, trade, use, hide, export, import endangered, precious, and rare wild plants and animals in violation of this Decree and the regulations of existing law.
6	<p>Exploitation of endangered, precious, and rare species of wild plants and animals:</p> <p>(1) Exploitation of wild plants and animals in Group I:</p> <ul style="list-style-type: none">- Wild plants and animals in Group I may only be utilized for scientific purposes (including creating for breeding stock and artificial propagation), and for international cooperation.- Exploitation of wild plants and animals of Group I may not have negative impacts upon conservation of the species in the wild and must be implemented under projects which are approved by the Minister of Agriculture and Rural Development. <p>(2) Exploitation of wild plants and animals in Group II:</p> <ul style="list-style-type: none">a. Exploitation of wild plants and animals in Group II in special use forests: May be exploited for scientific purposes (including creating stock for breeding purposes and artificial propagation), and for international cooperation. Exploitation of wild plants and animals of Group II in special use forests may not have negative impact upon conservation of the species, and must be implemented under projects which are approved by the Minister of Agriculture and Rural Development.b. Exploitation of wild plants and animals in Group IIA outside of special use forests: Wild plants in Group IIA outside of special use forests may only be exploited according to the regulations governing exploitation of timber and other forest products, issued by the Ministry of Agriculture and Rural Development. Wild animals in Group IIB outside of special use forests may only be exploited for scientific purposes (including creating stock for breeding purposes and artificial propagation), and for international cooperation. Exploiting wild animals of Group IIB outside special use forests may not have negative impact upon conservation of the species in nature, and must be implemented under projects which are approved by the Minister of Agriculture and Rural Development if

A Section continued

ARTICLE NO.	PROVISIONS
	<p>the forest is managed by authorities directly under the Central Government or approved by the Provincial People's Committee if forest is managed by organizations and individuals controlled under local authorities.</p> <p>(3) The Ministry of Agriculture and Rural Development presides in cooperation with the Ministry of Natural Resource and the Environment to guide procedures and to approve projects involving exploitation of endangered, precious, and rare wild plants and animals in nature.</p>
11	<p>Settle violations of endangered, precious and rare species that are destroying or threatening people's lives and their property:</p> <p>(1) In every case that wild animals threaten and destroy property or pose a threat to people; organizations, households, or individuals must attempt to drive the animals away, and may not cause the animals harm.</p> <p>(2) In cases where endangered, precious, and rare animals directly attack people outside of special use forests, and efforts to drive the animals away have been unsuccessful, a report must be made to the Chairman of district, town or city People's Committee (for jurisdictions that are not under the Central Government control) for consideration, and determination as to whether the animal(s) may be trapped or shot to protect people's lives. The Chairman of People's Committee at the local level will assume responsibility for the trapping and killing of and rare and protected animals for purposes of self-defense when the animal(s) threaten people's lives.</p> <p>For special and rare and precious species such as: <i>Elephas maximus</i>, <i>Rhinoceros sondaicus</i>, <i>Panthera tigris</i>, <i>Panthera pardus</i>, <i>Neofelis nebulosa</i>, <i>Ursus (Helarctos) malayanus</i>; <i>Ursus (Selenarctos) thibetanus</i>, <i>Bos gaurus</i>, <i>Bos sauveli</i>, <i>Bos javanicus</i>, <i>Bubalus arnee</i>, the (conflict) must be reported to Chairman of People's Committee at the provincial level for consideration, if other methods to protect people's lives (driving the animal(s) away, moving the animal(s) to other forests) are incomplicable and ineffective. The Chairman of People's Committee at a provincial level is empowered to make a decision to apply the methods of trapping or shooting the animal(s) for self-defence after being approved by Ministers of MARD, MoNRE.</p> <p>Organizations who are entrusted with the trapping or shooting endangered, and rare and precious species for self-defence when the wildlife directly attacks people or threaten people's lives, have responsibility for securing the scene of the accident, making a report on their handling of the case, and submitting the report to senior staffs within five working days:</p> <p>a. Animals that are trapped, killed, or seriously injured, must be transferred to scientific research centers to be preserved as a specimen for research purposes by the responsible parties, or destroyed in a safe way to protect the environment.</p> <p>b. If the animal(s) has sustained an injury from trapping or shooting that can be cured, it will wildlife are transferred to wildlife rescue center or local forest protection departments for rescue. When the animal has recovered, it will be released in the forest.</p> <p>c. If the animal(s) that has been trapped or shot are still well, it will be released into forests (nature reserves or national parks) which are suitable habitat for the species. Any case involving trapping or shooting of endangered, precious, and rare species that is not in compliance with this Decree is in violation of national law and regulations regarding endangered, precious, and rare species, and will be settled in accordance with the current law.</p>
12	<p>Rights and responsibilities of forest owners</p> <p>Forest owners have rights and responsibilities in accordance with the current law. In addition, forest owners have rights and responsibilities towards endangered, precious, and rare species of wild animals and plants as followed:</p> <p>(1) They are entitled to exploit endangered, and rare and precious species which in accordance with Article 6 in the decree.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(2) They are entitled to have government support, and protection of their legal rights to invest in the management, protection and development of endangered, precious, and rare species.</p> <p>(3) They are entitled to build and implement projects to manage, protect and develop endangered, rare and precious species in their assigned forest area.</p> <p>(4) They are entitled to follow and report to appropriate authorities about the status of endangered, rare and precious species which are stipulated in point a and b in item 2, Article 32 of Law of Forest Protection and Development in the forest that are hired or allotted by Government.</p> <p>(5) They are entitled to develop regulations, post notice of protection to forests where endangered, rare and precious species live.</p>

B Decree on Management of Export, Import, Re-export, and Introduction from the Sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006)	
AGENCY	Ministry of Agriculture and Rural Development and Ministry of Fisheries
ARTICLE NO.	PROVISIONS
2	(21) Hunting specimens are those acquired from lawful hunting.
17	<p>(3) Export, re-export of hunting specimens:</p> <ul style="list-style-type: none"> - The application for a CITES permit or certificate, made according to a form set in Appendix 1 to this Decree. - The dossier evidencing the lawful origin of the specimens under the current regulations or the copy of the hunting specimen permit or certificate, issued by a competent body of the relevant country.
18	<p>(3) Import of hunting specimens:</p> <ul style="list-style-type: none"> - The application for a CITES permit, made according to a form set in Appendix 1 to this Decree. - The copy of the export CITES permit or the written certification of the hunting specimens, issued by a competent body of the exporting country.

C Forest Protection and Development Law (No.29/2004/QH11) (14/12/2004)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
37	<p>Forest protection responsibilities of forest owners</p> <p>(1) Forest owners have to protect their forests; work out and implement plans and measures to protect forest ecosystems; prevent and fight forest logging; prevent and fight the illegal hunting, catching and trapping of forest animals; prevent and fight forest fires; prevent and eliminate forests' harmful organisms under the provisions of this Law, the land legislation, the legislation on fire prevention and fighting, the legislation on plant protection and quarantine, the legislation on veterinary and other relevant law provisions.</p> <p>(2) Forest owners that fail to abide by the provisions of Clause 1 of this Article, causing loss of forests assigned or leased by the State shall be held responsible therefor according to law provisions.</p>
41	<p>(1) The exploitation of forest plants must comply with the forest management regulation issued by the Prime Minister as well as forest exploitation processes and regulations promulgated by the Ministry of Agriculture and Rural Development.</p> <p>(2) The hunting, catching, trapping and caging of forest animals must be permitted by competent State bodies and comply with law provisions on wildlife conservation.</p>

C Section continued	
ARTICLE NO.	PROVISIONS
	<p>(3) The endangered, precious and rare forest plant and animal species; and their gene sources must be managed and protected under special regimes.</p> <p>The Government shall prescribe regimes for management and protection of endangered, precious and rare forest plant and animal species and lists of endangered, precious and rare forest plant and animal species.</p> <p>The Ministry of Agriculture and Rural Development shall prescribe the exploitation of forest plants, hunting of forest animals, tools and means banned or restricted from use; species, minimum sizes of forest plant and animal species and seasons allowed for exploitation and hunting; and areas where forest exploitation is banned.</p>
51	<p>Exploitation of forest products in landscape protection areas and service-administrative zones of national gardens and nature conservation zones</p> <p>The exploitation of forest products must comply with the forest management regulations, not badly affect the objectives of forest conservation and forest landscape protection, and comply with the following stipulations:</p> <p>(1) It is allowed to exploit dead or fell trees, non-timber forest plants, except for endangered, precious and rare forest plant species banned from exploitation according to the Government's stipulations on the regime of management and protection of endangered, precious and rare forest plant and animal species and the lists of endangered, precious and rare forest plant and animal species;</p> <p>(2) The hunting, catching and trapping of forest animals are not allowed.</p>
85	<p>Persons who destroy forests, burn forests or damage forest resources; illegally exploit forests; illegally hunt, catch, cage or slaughter forest animals; illegally purchase, sell, trade in or transport forest products or violate other law provisions on forest protection and development shall, depending on the nature and seriousness of their violations, be administratively handled or examined for penal liability according to law provisions.</p> <p>(2) Persons who abuse their positions and/or powers to violate law provisions on forest assignment, lease or recovery, the conversion of forest use purposes, permission of forest use or forest exploitation; who are irresponsible or abuse their powers and/or positions in enforcing the legislation on forest protection and development; who cover violators of the legislation on forest protection and development or who commit other acts of violating the provisions of this Law shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liabilities according to law provisions</p>

D Fisheries Law (No. 17/2003/QH11) (26/12/2003)	
AGENCY	Ministry of Fisheries
ARTICLE NO.	PROVISIONS
11	<p>Principles for exploitation of aquatic resources</p> <p>(1) The exploitation of aquatic resources in sea areas, rivers, lakes, marshes, lagoons and other natural water areas must not exhaust aquatic resources there; must abide by the regulations on exploitation seasons, exploitation periods, categories and sizes of exploitable aquatic resources and annual exploitable volumes, as well as the provisions of this Law and other relevant law provisions.</p> <p>(2) Fishing tools and means used for exploiting aquatic resources must be of sizes suitable to exploitable aquatic species.</p>
12	<p>Offshore exploitation of aquatic resources</p> <p>(1) The State shall adopt synchronous policies on investment, occupation training, building of information and communication systems, resource survey, forecast of fishing grounds, logistic services, organization of various suitable production forms in order to encourage organizations and individuals to develop offshore exploitation of aquatic resources.</p>

D Section continued

ARTICLE NO.	PROVISIONS
	<p>(2) Organizations and individuals investing in the offshore exploitation of aquatic resources shall comply with the Law on Domestic Investment Promotion and enjoy other preferential policies of the State.</p> <p>(3) Organizations and individuals engaged in the offshore exploitation of aquatic resources must have information and communication equipment and life-saving devices on board their fishing ships; and abide by the provisions of the maritime legislation.</p> <p>(4) Ship owners shall have to buy compulsory insurance for crew members working on board their fishing ships for offshore exploitation of aquatic resources. The State shall adopt policies to encourage ship owners to buy ship hull insurance on a voluntary basis. The insurance conditions, premium rates, minimum insurance sum for crew members shall comply with the law provisions on insurance business.</p>
13	<p>Coastal exploitation of aquatic resources</p> <p>(1) The State shall adopt policies to reorganize production, restructure occupations in the exploitation of aquatic resources in coastal sea areas and restructure the occupations among the sectors of exploitation, culture, processing of aquatic resources, agriculture, forestry and services.</p> <p>(2) Organizations and individuals exploiting coastal aquatic resources, when shifting to offshore exploitation of aquatic resources or aquaculture, shall be provided with guidance, training and capital supports, be assigned land or sea surface for aquaculture according to the State's policies.</p> <p>(3) Organizations and individuals exploiting coastal aquatic resources must have life-saving devices, devices for monitoring weather forecasts; and abide by the law provisions on inland waterway and maritime navigation.</p>
15	<p>Management of aquatic resource exploitation areas</p> <p>(1) Organizations and individuals exploiting aquatic resources in sea areas, rivers, lakes, marshes, lagoons or other natural water areas must abide by the provisions of this Law and other relevant law provisions.</p> <p>(2) The Government shall have responsibility to delimit sea areas and routes for aquatic resource exploitation, decentralize management to the concerned ministries and branches as well as localities in order to ensure the close and synchronous coordination among the forces in charge of examining and controlling fishery activities in the sea areas and routes for aquatic resource exploitation.</p> <p>(3) The provincial-level People's Committees shall have responsibility to promulgate regulations on aquatic resource exploitation areas in rivers, lakes, marshes, lagoons and other natural water areas under their management under the guidance of the Ministry of Fisheries; make arrangements for people to exercise their rights to supervise, detect and denounce acts of violating the legislation on aquatic resources in the aquatic resource exploitation areas.</p>
16	<p>Aquatic resource exploitation permits</p> <p>(1) Aquatic resource-exploiting organizations and individuals must have aquatic resource exploitation permits, except for the cases where individuals exploit aquatic resources with fishing ships of under 0.5 ton or without fishing ships.</p> <p>(2) An aquatic resource exploitation permit shall contain the following principal contents:</p> <ol style="list-style-type: none">The fishing occupation and fishing gear;Areas and routes permitted for exploitation;The duration of fishing activities;The term of the permit;Other necessary contents as prescribed by law. <p>(3) The Government shall prescribe the order, procedures and decentralize the competence to grant and withdraw aquatic resource exploitation permits.</p>

D Section continued

ARTICLE NO.	PROVISIONS
49	<p>Exploitation of aquatic resources outside Vietnam's seas</p> <p>(1) Vietnamese organizations and individuals exploiting aquatic resources in international seas or seas of other countries must obtain the permission of competent State bodies; must abide by the international agreements which the Socialist Republic of Vietnam has signed or acceded to, the provisions of this Law, other provisions of Vietnamese laws as well as laws of the countries where their fishing ships come to exploit aquatic resources.</p> <p>(2) Competent State bodies which permit organizations and individuals to exploit aquatic resources outside Vietnam's seas shall have to disseminate Vietnam's laws, international laws and laws of the countries where the fishing ships come to exploit aquatic resources.</p> <p>(3) The Government shall prescribe the permit-granting, conditions and procedures for granting permits for Vietnamese fishing ships to go to exploit aquatic resources outside Vietnam's seas.</p>

E Decree No. 59/2005/ND-CP of May 4, 2005 on conditions for a number of aquatic resource, production and business lines.

AGENCY	Ministry of Fisheries
ARTICLE NO.	PROVISIONS
3	<p>Aquatic resource exploitation is a trade that requires permits -</p> <p>Organizations and individuals exploiting aquatic resources in the sea and other natural water areas of Vietnam must have aquatic resource exploitation permits granted by competent State management agencies.</p>
5	<p>(2) Permits shall not be granted in the following cases:</p> <p>a. Exploitation of banned aquatic species; exploitation in restricted areas, during the ban time or by banned methods;</p> <p>b. Exploitation of aquatic species on the list of those whose reserve resources are drastically reducing or threatened with extinction, as announced by the Ministry of Fisheries.</p>

4.8 CAPTIVITY BREEDING

A Decree on Management of Export, Import, Re-export and introduction from the Sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006)

AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
9	<p>Responsibility to manage the breeding, rearing and artificial propagation of endangered precious and rare fauna and flora species</p> <p>(1) Forest Management Offices of provinces or centrally run cities (hereinafter referred to as provincial Forest Management Offices) have the responsibility to manage, certify the production capacity of farms for breeding or rearing, and establishment for artificial propagation of endangered precious and rare wild fauna and/or flora species (excluding aquatic species) defined in this Decree. For localities where exist no forest management agencies, the Ministry of Agriculture and Rural Development shall designate specialized management agencies to perform this responsibility.</p> <p>(2) Provincial/municipal aquatic resource-protecting agencies have the responsibility to manage and certify the production capacity of farms for breeding, farms for rearing and establishments for artificial propagation of aquatic species. For localities where exist no aquatic resource-protecting agencies, the services specialized in management of fisheries shall perform this responsibility.</p>
10	<p>Conditions on farms for breeding, farms for rearing and establishments for artificial propagation of wild fauna and flora species defined in the Appendices to the CITES</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(1) Animal-breeding farms, animal-rearing farms must satisfy the following conditions:</p> <ol style="list-style-type: none"> a. Cages and farms are constructed in suitability to the characteristics of the reared species and the production capacity of the farms. b. Registering the farms for breeding of animal species which have been certified in writing by CITES scientific bodies of Vietnam as having the capability to reproduce many successive generations in the controlled environment. c. Registering the farms for breeding of animal species, the breeding of which has been certified in writing by CITES scientific bodies of Vietnam as having not affected the conservation of such species in nature. d. Ensuring safety for humans and environmental sanitation under the State's regulations. e. Having professionals meeting the requirements of management and techniques of breeding, rearing and tending the reared species and preventing diseases and epidemics. f. Organizations, households and individuals exploiting broods and/or eggs from the nature for breeding, hatchery for commercial purposes must obtain permission from the management bodies defined in Article 9 of this Decree. <p>(2) Plant artificial propagation establishments must satisfy the following conditions:</p> <ol style="list-style-type: none"> a. The establishments are constructed in suitability with the characteristics of the cultivated plant species and the production capacity of the artificial propagation establishments. b. The artificial propagation establishments must be certified by CITES scientific bodies of Vietnam that the artificial propagation shall not affect the survival of such species in nature. c. Having professionals meeting the requirements of management and techniques of artificial propagation and tending of cultivated plants and prevention of diseases and epidemics.
11	<p>Registering farms for breeding, farms for rearing and establishments for artificial propagation of wild animal and/or plant species defined in the Appendices to CITES</p> <p>(1) Farms for breeding, establishments for artificial propagation of wild fauna and/or flora species defined in Appendix I to CITES must be registered with CITES Management Authority of Vietnam for forwarding the registration dossiers to the Secretariat of CITES International for consideration and approval. The dossiers for registration of breeding farms, artificial propagation establishments are specified in Appendix 3-A and Appendix 3-B to this Decree (not printed herein). CITES Management Authority shall authorize the management agencies defined in Clauses 1 and 2, Article 9 of this Decree to receive and evaluate the registration dossiers.</p> <p>(2) The farms for breeding, farms for rearing and establishments for artificial propagation of wild fauna and/or flora species defined in Appendices II and III to CITES must be registered with provincial forest management offices; where forest management offices are not available in localities, the registration shall be made with the specialized management agencies designated by the Ministry of Agriculture and Rural Development. For aquatic species, the registration shall be made with the provincial/municipal aquatic resource-protecting agencies; where the aquatic resource-protecting agencies are not available in localities, the registration shall be made with the specialized fisheries management bodies.</p> <p>The dossiers for registration of breeding farms, rearing farms and artificial propagation establishments are specified in Appendix 4-A and Appendix 4-B to this Decree (not printed herein). Annually in November, the agencies receiving dossiers for registration of breeding farms, rearing farms or artificial propagation establishments, defined in this Clause, shall have to report to CITES Management Authority of Vietnam on the situation of registration of breeding farms, rearing farms and artificial propagation establishments in localities.</p> <p>XXX</p>
12	<p>Conditions on, and registration of, farms for breeding, farms for rearing or establishment artificially propagating endangered precious and rare fauna and/or flora species defined by Vietnamese law, not defined in the Appendices to CITES</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(1) Farms for breeding and farms for rearing endangered precious and rare wild fauna species prescribed by Vietnamese law must satisfy the conditions set in Clause 1, Article 10 of this Decree.</p> <p>(2) Farms for breeding and farms for rearing endangered precious and rare wild fauna species prescribed by Vietnamese law must be registered with provincial forest management offices; where forest management offices are not available in localities, the registration shall be made with specialized management agencies designated by the Ministry of Agriculture and Rural Development. For aquatic species, the registration shall be made with provincial/municipal aquatic resource-protecting agencies; where the aquatic resource-protecting agencies are not available in localities, the registration shall be made with specialized fisheries management services. Dossiers for registration of breeding farms are specified in Appendix 3-B (for wild animals of Group I B); the dossiers for registration of breeding farms, rearing farms are specified in Appendix 4-B (for wild animals of Group II-B) to this Decree (not printed herein).</p> <p>(3) Establishments for artificial propagation of endangered precious and rare flora species:</p> <p>a. For timber trees, the planted forests must be registered with local forest management sub-departments according to the provisions of law on forest protection and development.</p> <p>b. For non-timber flora species, the registration must be made with provincial forest management offices; where forest management offices are not available in localities, the registration shall be made with specialized management bodies designated by the Ministry of Agriculture and Rural Development. The registration dossiers are specified in Appendix 3-A (for wild plants of Group I-A) and Appendix 4-A (for wild plants of Group II-A) to this Decree.</p>

B Decree on Management of Endangered, Precious, and Rare Species of Wild Fauna and Flora (No.32/2006/ND-CP) (30/03/2006)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
6	<p>Exploitation of endangered, precious and rare forest plants and animals</p> <p>(1) Exploitation of forest plants and animals of Group I:</p> <p>Forest plants and animals of Group I shall be exploited only for scientific purposes of research (including purpose of creation of prototype breed sources in service of artificial breeding and culture) and international cooperation.</p> <p>The exploitation of forest plants and animals of Group I must not adversely affect the conservation of such species in nature and must be performed under plans approved by the Agriculture and Rural Development Ministry.</p> <p>(2) Exploitation of forest plants and animals of Group II:</p> <p>a. Exploitation of forest plants and animals of Group II in special-use forests:</p> <ul style="list-style-type: none"> - They shall be exploited only for purposes of scientific research (including creation of prototype breed sources in service of artificial breeding and culture) and international cooperation. - The exploitation of forest plants and animals of Group II in special-use forests must not adversely affect the conservation of such species and must be performed under plans approved by the Agriculture and Rural Development Ministry. <p>b. Exploitation of forest plants and animals of Group II outside special-use forests:</p> <ul style="list-style-type: none"> - Forest plants of Group II A outside special-use forests may only be exploited according to the Regulation on exploitation of timber and other forest products promulgated by the Agriculture and Rural Development Ministry. - Forest animals of Group II B outside special-use forests may only be exploited for purposes of scientific research (including creation of prototype breed sources in service of breeding) and international cooperation.

B Section continued	
ARTICLE NO.	PROVISIONS
	<p>The exploitation of forest animals of Group II B outside special-use forests must not adversely affect the conservation of such species in nature and must be performed under plans approved by the Agriculture and Rural Development Ministry, for forests managed by centrally-run organizations, or approved by provincial-level People's Committees, for forests managed by local organizations or individuals.</p> <p>(3) The Agriculture and Rural Development Ministry shall assume the prime responsibility for, and coordinate with the Natural Resources and Environment Ministry in, guiding the procedures and order for approving plans on exploitation of endangered, precious and rare forest plants and animals from nature.</p>
8	<p>Development of endangered, precious and rare forest plants and animals</p> <p>(1) Artificial culture of endangered, precious and rare forest plants; breeding and rearing of endangered, precious and rare forest animals shall comply with the provisions of law on management of export, import, re-export, introduction from the sea, transit, artificial culture and breeding of endangered wild plant and wild animal species.</p> <p>(2) The exploitation, transportation and storing of endangered, precious and rare forest plants and animals, which are artificially reared or cultured, and products thereof must be accompanied with documentary proofs of origin according to the provisions of law on export, import, re-export, transit, introduction from the sea, artificial culture and breeding of endangered wild plant and wild animal species.</p>

4.9 TRANSPORTATION/IMPORT/EXPORT OF WILDLIFE SPECIES, INCLUDING PLANTS (AND THEIR DERIVATIVES) LIVE ANIMALS, DEAD ANIMALS, TROPHIES, ANIMAL PARTS AND PRODUCTS MADE FROM WILDLIFE

A Decree on Management of Export, Import, Re-export and introduction from the Sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006)

AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
3	<p>Conditions for export, import, re-export, introduction from the sea of natural specimens, defined in Appendices to CITES.</p> <p>(1) Prohibiting the export, import, re-export, introduction from the sea of the specimens defined in the Appendices to CITES for commercial purposes.</p> <p>(2) Possessing CITES permits, CITES certificates as provided for in Clauses 1, 2 and 3, Article 15 of this Decree when:</p> <ol style="list-style-type: none"> a. Exporting, importing, re-exporting the specimens defined in Appendix I to CITES not for commercial purposes, the specimens defined in Appendices II and III to CITES, the pre-Convention specimens. b. Introducing from the sea the specimens defined in Appendix I to CITES not for commercial purposes, the specimens defined in Appendix II to CITES. <p>(3) Specimens being personal items, household utensils shall be exempt from CITES permits, CITES certificates when satisfying the following conditions:</p> <ol style="list-style-type: none"> a. The specimens are used not for commercial purposes. b. At the time of export or import, they are carried along by people or are parts of household utensils upon movement from country to country. c. Their quantity does not exceed the limits set by CITES, applicable to a number of species of wild animals and plants.
4	<p>Conditions on export, import, re-export of specimens of breeding, rearing, artificial propagation, which are defined in the Appendices to CITES</p>

A Section continued	
ARTICLE NO.	PROVISIONS
	<p>(1) Possessing CITES permits, CITES certificates defined in Clauses 1, 2 and 3, Article 15 of this Decree upon the export, import, re-export of the specimens defined in the Appendices to the CITES Convention and having originated from breeding, rearing, artificial propagation.</p> <p>(2) Exporting the specimens defined in Appendix I to CITES and having originated from breeding, artificial propagation, which must satisfy the following conditions:</p> <ol style="list-style-type: none"> Fauna specimens of generation F2 onward, which are reproduced in rearing farms registered under the provisions of Clause 1, Article 11 of this Article. Flora specimens from artificial propagation establishments already registered under the provisions of Clause 1, Article 11 of this Decree. The specimens must be marked under the guidance of CITES Management Authority of Vietnam. <p>The export of specimens defined in Appendices II and III to CITES and having originated from breeding, rearing, artificial propagation must satisfy the following conditions:</p> <ol style="list-style-type: none"> For specimens of bred animals: The specimens of animals of F1 generation onward, which were reproduced at rearing farms already registered under the provisions of Clause 2, Article 11 of this Decree. For specimens of reared animals: The specimens from rearing farms already registered under the provisions of Clause 2, Article 11 of this Decree. For specimens of artificially propagated plants: The specimens of plants from artificial propagation establishments already registered under the provisions of Clause 2, Article 11 of this Decree.
5	<p>Conditions on export of endangered precious and rare specimens from nature, as provided for by Vietnamese law, not defined in the Appendices to CITES</p> <p>(1) Prohibiting the export of specimens of endangered precious and rare wild fauna and flora species; specimens of endangered forest flora species of Group I-A under Vietnam's legal provisions on management of endangered precious and rare fauna and flora for commercial purposes.</p> <p>(2) Possessing the permits defined in Clause 4, Article 15 of this Decree upon the export of specimens of endangered precious and rare wild fauna species not for commercial purposes; specimens of endangered precious and rare forest flora species of Group I-A not for commercial purposes; specimens (excluding wood products) of endangered precious and rare forest flora species of Group II-A.</p> <p>(3) The export of wood products shall comply with Decree No. 12/2006/ND-CP of January 23, 2006, detailing the implementation of the Commercial Law regarding activities of international trade in goods and activities of goods sale and purchase agency, processing and transit with foreign countries.</p>
B Decree on Management of Endangered, Precious, and Rare Species of Wild Fauna and Flora (No.32/2006/ND-CP) (30/03/2006)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
5	<p>(3) Following activities are prohibited:</p> <ol style="list-style-type: none"> Exploit endangered, precious, and rare wild plants; hunt, shoot, trap, capture, keep, slaughter endangered, precious, and rare wild animals in violation of this Decree and the regulations of existing law. Transport, process, advertise, trade, use, hide, export, import endangered, precious, and rare wild plants and animals in violation of this Decree and the regulations of existing law.

B Section continued

ARTICLE NO.	PROVISIONS
7	<p>Transportation and storing of endangered, precious and rare forest plants and animals exploited from nature and products thereof</p> <p>Endangered, precious and rare forest plants and animals exploited from nature and products thereof from nature, when being transported or stored, must comply with the following regulations:</p> <ol style="list-style-type: none"><li data-bbox="427 436 1449 593">(1) There must be sufficient papers proving lawful exploitation origins according to the provisions of Article 6 of this Decree and other papers according to the current provisions of law on handling of material evidences employed in violations (for cases where endangered, precious and rare forest plants and animals and products thereof are confiscated in administrative or criminal cases).<li data-bbox="427 604 1449 694">(2) Transportation of endangered, precious and rare forest animals and products thereof out of provinces or centrally-run cities shall require special transportation permits granted by provincial-level forest ranger offices.<li data-bbox="427 705 1449 896">(3) Transportation of endangered, precious and rare forest plants and animals and products thereof must comply with the State's regulations on inspection and control of forest products. Particularly for timbers of Group I A and Group II A exploited from natural forests in the country, apart from the procedures specified in Clause 1 of this Article, forest ranger's hammer indentations made according to the regulations on management of forest ranger's hammers are required.
8	<p>Development of endangered, precious and rare forest plants and animals</p> <ol style="list-style-type: none"><li data-bbox="427 974 1449 1108">(1) Artificial culture of endangered, precious and rare forest plants; breeding and rearing of endangered, precious and rare forest animals shall comply with the provisions of law on management of export, import, re-export, introduction from the sea, transit, artificial culture and breeding of endangered wild plant and wild animal species.<li data-bbox="427 1120 1449 1265">(2) The exploitation, transportation and storing of endangered, precious and rare forest plants and animals, which are artificially reared or cultured, and products thereof must be accompanied with documentary proofs of origin according to the provisions of law on export, import, re-export, transit, introduction from the sea, artificial culture and breeding of endangered wild plant and wild animal species.
9	<p>Processing and trading of endangered, precious and rare forest plants and animals and products thereof</p> <ol style="list-style-type: none"><li data-bbox="427 1377 1449 1512">(1) It is strictly prohibited to process or trade in endangered, precious and rare forest plants of group I A, and endangered, precious and rare forest animals of Group I B and Group II B exploited from nature and products thereof for commercial purposes (except for the cases specified in Clause 2 of this Article).<li data-bbox="427 1523 1449 1814">(2) It is permitted to process or trade in the following objects for commercial purposes:<ul style="list-style-type: none"><li data-bbox="475 1556 1449 1691">- Endangered, precious and rare forest animal species originating from artificial breeding and products thereof; endangered, precious and rare forest animal species of Group II B which are material evidences confiscated according to the State's current regulations as they can no longer be salvaged and released into the environment.<li data-bbox="475 1702 1449 1814">- Endangered, precious and rare forest plants of Group I A which are material evidences confiscated according to the State's current regulations; endangered, precious and rare forest plants of Group II A exploited from nature and those originating from artificial culture. <p>XXX</p>

C Forest Protection and Development Law (No.29/2004/QH11) (14/12/2004)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
44	<p>Trading, transportation, export, import, temporary import for re-export, temporary export for re-import and transit of forest plants and animals</p> <p>(1) The trading and transportation of forest plants and animals as well as their products must comply with laws.</p> <p>(2) The export, import, temporary import for re-export, temporary export for re-import and transit of forest plants and animals and their products must comply with the provisions of Vietnamese law and international agreements which Vietnam has signed or acceded to.</p> <p>(3) The importation of forest plant varieties and animal breeds must comply with the provisions of the legislation on biodiversity conservation, legislation on plant protection and quarantine, legislation on veterinary, legislation on plant varieties and legislation on animal breeds.</p> <p>The Government shall prescribe and promulgate the lists of forest plants and animals permitted for import; forest plants and animals banned from export or subject to conditional export.</p>
85	<p>(1) Persons who destroy forests, burn forests or damage forest resources; illegally exploit forests; illegally hunt, catch, cage or slaughter forest animals; illegally purchase, sell, trade in or transport forest products or violate other law provisions on forest protection and development shall, depending on the nature and seriousness of their violations, be administratively handled or examined for penal liability according to law provisions.</p> <p>(2) Persons who abuse their positions and/or powers to violate law provisions on forest assignment, lease or recovery, the conversion of forest use purposes, permission of forest use or forest exploitation; who are irresponsible or abuse their powers and/or positions in enforcing the legislation on forest protection and development; who cover violators of the legislation on forest protection and development or who commit other acts of violating the provisions of this Law shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liabilities according to law provisions.</p>

D Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999), As amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010)	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
153, 154, 155, 175, 176, 188, 189, 190, 191	Please see provisions in section 4.1(l) Criminalization of Trafficking of Wildlife and Timber

4.10 CONFISCATION OF ILLEGALLY TRADED OR POSSESSION OF PROTECTED WILDLIFE

A Circular No. 90/2008/TT-BNN Guidance on settlement of Confiscated Wildlife (28/08/2008)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
Part A	<p>General instructions</p> <p>Governing scope and subject matter</p> <p>(1) Governing scope: This circular guides the process, procedure, and mode of settling wild animals that are confiscated from administrative cases in the field of forest and forest product management and protection.</p> <p>(2) Subject matter: Vietnamese citizens and organizations, overseas Vietnamese, foreign citizens and organizations whose activities relate to wild animals after being confiscated within Vietnam.</p> <p>Regulations of international treaties will be applied if those treaties approved by Vietnam have different regulations.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
Part B	<p>Principles for settling exhibits after confiscation.</p> <p>The principles for penalties are applied orderly, and if the first measure cannot be applied, the next measure will be considered. The implementation of measures for settling exhibits must ensure the conditions in accordance with the instructions listed in section II, part C of this circular.</p>
B I	<p>Settling exhibits defined as live, endangered, rare, precious animals</p> <p>(1) Exhibits that are live animals listed in group IB will be handled with one of the following measures:</p> <ol style="list-style-type: none"> a. Release to the wild. b. In cases where animals are injured, sick, weak, or need to be rescued; they should be transferred to a Rescue Center. c. Transfer to scientific research centers (including research breeding facilities), environmental education centers. d. Sell to zoos, performing arts units, or animal breeding facilities legally prescribed by law. e. Destruction of individual wild animals carrying diseases or in the case where they cannot be handled by any of the above measures. <p>(2) Exhibits that are live animals listed in Group IIB will be handled with one of the following measures:</p> <ol style="list-style-type: none"> a. Release to the wild. b. In cases where the animals are injured, sick, weak, or need to be rescued; they should be transferred to a Rescue Center. c. Transfer to scientific research centers (including research breeding facilities), environmental education centers. d. Sell to zoos, performing arts units, or animal breeding facilities legally prescribed by law. e. Destruction of individual wild animals carrying diseases or in the case where they cannot be handled by any of the above measures.
B II	<p>(1) Settling exhibits defined as dead endangered, rare, precious animals or their body parts or products</p> <p>Exhibits that are dead wild animals or their parts listed in group IB will be handled with one of the following measures:</p> <ol style="list-style-type: none"> a. Transfer to scientific research bodies, environment and training centers, specialized management centers, rescue centers, or transfer to the medical centers for the purposes of research or medical pharmacy. b. Destruction of exhibits carrying diseases or in cases where they cannot be handled by any of the above measures. <p>(2) Exhibits that are dead wildlife or parts thereof listed in group IIB will be handled with one of the following measures:</p> <ol style="list-style-type: none"> a. Transfer to scientific research bodies, environment and training centers, specialized management centers, rescue centers, or transfer to the medical centers for the purposes of research or medical pharmacy. b. Sell to organizations or individuals who have been granted a business license in line with the state law. c. Destruction of exhibits carrying diseases or in cases where they cannot be handled by any of the above measures.
B III	<p>Settling exhibits which are live, endangered animals listed in cites appendices and imported into Vietnam</p> <p>Exhibits that are live animals listed in appendix I will be addressed as follows:</p> <ol style="list-style-type: none"> a. Return to the export or re-export countries following the regulations of CITES. b. In cases where the animals are weak, sick, or injured, they should be transferred to a rescue center in Vietnam.

A Section continued

ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none"> c. Transfer to scientific research center (including research breeding facility) or environmental education center within Vietnam or abroad. d. Sell to zoos, performing arts units, or animal breeding facilities established in accordance with current legislation. e. Destroy animals which are carrying disease or cannot be handled by any of the above measures. <p>Exhibits that are live animals listed in appendix II will be addressed as follows:</p> <ul style="list-style-type: none"> a. Return to the export or re-export countries following the regulations of CITES. b. In cases where the animals are weak, sick, or injured, they should be transferred to a rescue center in Vietnam. c. Transfer to scientific research center (including research breeding facility), or environmental education center within Vietnam or abroad. d. Sell to zoos, performing arts units, or animal breeding facilities established in accordance with current legislation. In cases where the individuals or organizations are buying for export, the export must comply with the provisions of CITES. e. Destroy animals which are carrying disease or cannot be handled by any of the above measures.
B IV	<p>Addressing endangered species which have died, their body parts and products listed in cites' appendices imported to Vietnam</p> <ul style="list-style-type: none"> (1) Exhibits listed in Appendix I shall be handled as follows: <ul style="list-style-type: none"> a. Transfer to the export country or re-export country under the provisions of CITES. b. Transfer to scientific agencies, environmental and educational institutions, specialized museums, specialized agencies, or specialized animal rescue center for use as a specimen. c. Destroy if the exhibit is carrying disease or cannot be handled with the above measures. (2) Exhibits listed in Appendix II shall be handled as follows: <ul style="list-style-type: none"> a. Return to export country or re- export country under the provisions of CITES b. Transfer to scientific agencies, environmental and educational institutions, specialized museums, specialized agencies, or specialized animal rescue center for use as a specimen, or to a medical facility for research. c. Sell to zoos, performing arts units, or animal breeding facilities established in accordance with current legislation. In cases where the individuals or organizations are buying for export, the export must comply with the provisions of CITES. d. Destroy animals which are carrying disease or cannot be handled by any of the above measures.
B V	<p>Settling exhibits which are common wild animal species</p> <ul style="list-style-type: none"> (1) Exhibits which are common, live, wild animal species will be handled with one of the following measures: <ul style="list-style-type: none"> a. Return to nature. b. Sell to organizations or individuals holding a legal business license in accordance with the current state law. c. Destruction of exhibits that are carrying disease or which cannot be handled with one of the above measures. (2) Exhibits which are common, dead, wild animal species, or the parts thereof, will be handled with one of the following measures: <ul style="list-style-type: none"> a. Sell to organizations or individuals holding a legal business license in accordance with the current state law. b. Destruction of exhibits that are carrying disease or which cannot be handled by the above measures.

B *Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999), As amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010)*

AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
41	<p>Confiscation of objects and money directly related to crimes</p> <p>(1) The property confiscation for State funds shall apply to:</p> <ul style="list-style-type: none"> a. Tools and means used for the commission of crimes; b. Objects or money acquired through the commission of crime or the trading or exchange of such things; c. Objects banned from circulation by the State. <p>(2) Things and/or money illegally seized or used by offenders shall not be confiscated but returned to their lawful owners or managers.</p> <p>(3) Things and/or money of other persons, if these persons are at fault in letting offenders use them in the commission of crimes, may be confiscated for State funds.</p>

C *Decree on Administrative Punishment over Forest Management, Forest Development, Forest Protection and Forest Product Management (Decree 157/2013/ND-CP) (11/11/2013) [as amended by Decree No: 40/2015/ ND – CP Amending and supplementing a number of articles of the Decree No. 157/2013/ND-CP]*

AGENCY	Minister of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
6	<p>Settling exhibits of administrative violations</p> <p>(1) 1. Exhibits of administrative violations temporarily held in custody</p> <ul style="list-style-type: none"> a. When exhibits includes fresh and live products, weak or injured wild animals not listed under group IB or other fresh forest products outside of group IA, authorized people shall make violation minutes and sell off immediately at local marketed prices. Money collected from sales will be sent to the State Treasury. If exhibits is then confiscated under decision made by authorized persons, remaining monies after expenses are deducted as stipulated by law shall be put into the State budget; in cases that exhibits is not confiscated, money collected shall be returned to the legal owner, manager or users. <p>If wild animals are dead or infected with diseases causing environmental pollution and no solution other than incineration can be done, or the violator do not voluntarily destroy, or unable to identify the violators, a council of incineration shall be established. The council includes head of the authorities body making decision of temporary custody; representative from Finance Department at the same level and representative from veterinary authorities. In cases where no owner of the exhibits can be identified, the cost of incineration/ destroying shall be charged by State budget.</p> <ul style="list-style-type: none"> b. The forest products and vehicles that unable to identify the legal owners upon time shall be confiscated and submitted to State Treasure. <p>(2) For confiscated exhibits of administrative violations:</p> <ul style="list-style-type: none"> a. The settlement of confiscated forest animals shall be implemented pursuant to the instructions of the Ministry of Agriculture and Rural Development. b. All exhibits other than stated in Section a of the Article which were confiscated shall be dealt with by Article 82 of the Law on Settlement of Administrative Violations.
21	<p>Violations of regulations on wild animal management and protection.</p> <p>XXX Additional fines</p> <ul style="list-style-type: none"> a. Persons who violate regulations stipulated in Items 1 through 9 of this article will have exhibits confiscated. b. Persons who violate regulations stipulated in Items 4 through 9 of this article will have tools and vehicles used for the administratively illegal actions confiscated.

C Section continued	
ARTICLE NO.	PROVISIONS
22	<p>Illegal transportation of forest products.</p> <p>XXX Additional fines</p> <p>a. Persons who violate regulations stipulated in Items 1 through 10 of this article will have exhibits confiscated.</p> <p>b. Persons who violate regulations stipulated in Items 1 through 10 of this article will have vehicles used for the administratively illegal actions confiscated, except for actions regulated in Item 7, 8 of Article 3 of this Decree as in one of following cases:</p> <ul style="list-style-type: none"> - Organized crime. - Repeated violations. - Transporting wild animals not listed as endangered, rare or precious species and their body parts worth from 5,000,000 VND upwards; endangered, rare and precious species or their parts worth from 3,000,000 VND upwards.
23	<p>Illegal trade, storage, process and business of forest products.</p> <p>a. Persons who violate regulations stipulated in Items 1 through 10 of this article will have exhibits confiscated.</p>

4.11 SALE OF CONFISCATED SPECIMENS

A Circular No. 90/2008/TT-BNN Guidance on settlement of Confiscated Wildlife (28/08/2008)

AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
Part B I	<p>Settling exhibits defined as live, endangered, rare, precious animals</p> <p>(1) Exhibits that are live animals listed in group IB will be handled with one of the following measures:</p> <p>d. Sell to zoos, performing arts units, or animal breeding facilities legally prescribed by law.</p> <p>(2) Exhibits that are live animals listed in Group IIB will be handled with one of the following measures:</p> <p>d. Sell to zoos, performing arts units, or animal breeding facilities legally prescribed by law.</p>
Part B II	<p>Settling exhibits defined as dead endangered, rare, precious animals or their body parts or products</p> <p>(2) Exhibits that are dead wildlife or parts thereof listed in group IIB will be handled with one of the following measures:</p> <p>b. Sell to organizations or individuals who have been granted a business license in line with the state law.</p>
Part B III	<p>Settling exhibits which are live, endangered animals listed in cites appendices and imported into vietnam</p> <p>(1) Exhibits that are live animals listed in appendix I will be addressed as follows:</p> <p>d. Sell to zoos, performing arts units, or animal breeding facilities established in accordance with current legislation.</p> <p>(2) Exhibits that are live animals listed in appendix II will be addressed as follows:</p> <p>d. Sell to zoos, performing arts units, or animal breeding facilities established in accordance with current legislation. In cases where the individuals or organizations are buying for export, the export must comply with the provisions of CITES.</p>
Part B IV	<p>Addressing endangered species which have died, their body parts and products listed in cites' appendices imported to vietnam</p> <p>(2) Exhibits listed in Appendix II shall be handled as follows:</p> <p>c. Sell to zoos, performing arts units, or animal breeding facilities established in accordance with current legislation. In cases where the individuals or organizations are buying for export, the export must comply with the provisions of CITES.</p>

A Section continued	
ARTICLE NO.	PROVISIONS
Part B V	<p>Settling exhibits which are common wild animal species</p> <p>(1) Exhibits which are common, live, wild animal species will be handled with one of the following measures:</p> <p>b. Sell to organizations or individuals holding a legal business license in accordance with the current state law.</p> <p>(2) Exhibits which are common, dead, wild animal species, or the parts thereof, will be handled with one of the following measures:</p> <p>a. Sell to organizations or individuals holding a legal business license in accordance with the current state law.</p>

B Decree on Administrative Punishment over Forest Management, Forest Development, Forest Protection and Forest Product Management (Decree 157/2013/ND-CP) (11/11/2013) [as amended by Decree No: 40/2015/ ND – CP Amending and supplementing a number of articles of the Decree No. 157/2013/ND-CP]	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
6	<p>Settling exhibits of administrative violations</p> <p>(1) Exhibits of administrative violations temporarily held in custody</p> <p>a. When exhibits includes fresh and live products, weak or injured wild animals not listed under group IB or other fresh forest products outside of group IA, authorized people shall make violation minutes and sell off immediately at local marketed prices. Money collected from sales will be sent to the State Treasury. If exhibits is then confiscated under decision made by authorized persons, remaining monies after expenses are deducted as stipulated by law shall be put into the State budget; in cases that exhibits is not confiscated, money collected shall be returned to the legal owner, manager or users. XXX</p>

4.12 REPATRIATION OF CONFISCATED SPECIMEN

A Decree on Management of Export, Import, Re-export and introduction from the Sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
26	<p>Handling of confiscated specimens</p> <p>a. The director of CITES Management Authority of Vietnam shall consider and decide on the return of specimens to countries of origin, for the specimens defined in the Appendices to CITES, for which the countries of origin can be identified.</p> <p>b. For violating specimens in other cases, including the case specified at Point a of this Clause or cases where customs offices or functional branches detect, seize and confiscate violating material evidences at border gates or along border lines (land border lines and sea border lines) but the countries of origin refuse to receive them while there are no safe places to keep them, written records shall be made for the transfer thereof to the nearest forest protection offices or animal and/or plant quarantine offices for handling according to current provisions of Vietnamese law and in accordance with CITES.</p>

B Circular No. 90/2008/TT-BNN Guidance on settlement of Confiscated Wildlife (28/08/2008)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
Part B III	<p>Settling exhibits which are live, endangered animals listed in cites appendices and imported into Vietnam</p> <p>(1) Exhibits that are live animals listed in appendix I will be addressed as follows:</p> <p>a. Return to the export or re-export countries following the regulations of CITES.</p> <p>(2) Exhibits that are live animals listed in appendix II will be addressed as follows:</p> <p>a. Return to the export or re-export countries following the regulations of CITES.</p>
Part B IV	<p>Addressing endangered species which have died, their body parts and products listed in cites' appendices imported to Vietnam</p> <p>(1) Exhibits listed in Appendix I shall be handled as follows:</p> <p>a. Transfer to the export country or re-export country under the provisions of CITES.</p> <p>(2) Exhibits listed in Appendix II shall be handled as follows:</p> <p>a. Return to export country or re- export country under the provisions of CITES</p>
Part C II	<p>(5) Return to the export or re-export country.</p> <p>a. Conditions required:</p> <ul style="list-style-type: none"> - The exact export or re-export country should be identified. - The export or re-export country agrees to receive and pay all expenses for the transfer of the exhibits. <p>b. Procedure:</p> <p>The decision will be made by the Director of Vietnam CITES Management Authority at the request of the functional authority to impose the administrative sanctions on the confiscated animals.</p>

4.13 COMPENSATION FOR VICTIMS/ REHABILITATION/ COSTS OF REPATRIATION OF SEIZED WILDLIFE

A Forest Protection and Development Law (No.29/2004/QH11) (14/12/2004)	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
86	<p>Compensation for damage</p> <p>Persons who violate the legislation on forest protection and development, thus causing damage to the State, organizations, households or individuals shall, apart from being handled according to the provisions of Article 85 of this Law, have to pay compensations for such damage in accordance with law provisions.</p>

B Decree on Administrative Punishment over Forest Management, Forest Development, Forest Protection and Forest Product Management (Decree 157/2013/ND-CP) (11/11/2013) [as amended by Decree No: 40/2015/ ND – CP Amending and supplementing a number of articles of the Decree No. 157/2013/ND-CP]	
AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
4	<p>Measures to repair consequences</p> <p>Beside remedial measures regulated in Section a, b, c, d, i Item 1 of Article 28 of Law on Settlement of Administrative Violations, this Decree regulates remedial measures as follow:</p> <p>(1) Reforest or make payment for the reforestation according to investment rate applied in the province at the time of violations.</p> <p>(2) Reforest the encroached areas.</p> <p>(3) Immediately restore the forest lands.</p>

B Section continued	
ARTICLE NO.	PROVISIONS
6	<p>Remedial measure</p> <p>Persons found violating regulations as stipulated in Item 1 of this Article shall be obliged to fulfill measures to repair consequences regulated in Section c, Item 1 of Article 28 of Law on Settlement of Administrative Violations.</p>

4.14 ENFORCEMENT POWERS – ENTRY, SEARCH, SEIZURE, ARREST

A Forest Protection and Development Law (No.29/2004/QH11) (14/12/2004)

AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
81	<p>Powers and responsibilities of forest rangers</p> <p>(1) While performing their duties, forest rangers shall have the following powers:</p> <ul style="list-style-type: none"> a. To request concerned organizations, households and individuals to provide necessary information and documents for inspection and investigation; to conduct site inspection and gather evidences according to law provisions; b. To sanction administrative violations and apply measures to prevent acts of administrative violation, to take legal action against, and conduct criminal investigation of, acts of violating the legislation on forest protection and development according to the provisions of the legislation on handling of administrative violations, the criminal legislation and criminal procedure legislation; c. To use weapons and supportive instruments according to law provisions. <p>(2) Forest rangers who fail to fulfill their assigned tasks and powers, letting forest destruction or forest fires occur shall have to bear responsibilities under law provisions.</p>

4.15 ESTABLISHMENT OF CONSERVATION FUND WHERE PROCEEDS FROM SEIZED ASSETS OF WILDLIFE OFFENCES GO TO A DEDICATED FUND, WHICH CAN BE USED BY ENFORCEMENT AGENCIES OF WENS

A Forest Protection and Development Law (No.29/2004/QH11) (14/12/2004)

AGENCY	Ministry of Agriculture and Rural Development
ARTICLE NO.	PROVISIONS
11	<p>Financial sources for forest protection and development</p> <p>(1) The State budget allocations.</p> <p>(2) Financial sources of forest owners, organizations, households and other individuals investing in forest protection and development.</p> <p>(3) The forest protection and development funds which are formed from the sources of financial supports of domestic organizations, households and individuals, foreign organizations and individuals as well as international organizations; contributions of domestic organizations, households and individuals as well as foreign organizations and individuals that exploit or use forests, process, purchase, sell, import and/or export forest products, benefit from forests or directly affect forests; and other revenue sources prescribed by law.</p> <p>The Government shall specify subjects and levels of contribution, cases entitled to contribution exemption or reduction as well as the management and use of forest protection and development funds.</p>

B Circular No.13/2009 of Ministry of Agriculture and Rural Development on management and using of revenue from illegal wildlife punishment

AGENCY Ministry of Agriculture and Rural Development

ARTICLE NO. **PROVISIONS**

1 Ministry of Agriculture and Rural Development issues guidelines on the management and use of revenues from the handling of administrative violations against smuggling, trade fraud in the field of forest management, forest protection and management of forest product of forest rangers as follows:

Subject and scope.

- (1) This Circular applies in the fight against smuggling and trade fraud in the field of forest management, forest protection and forest product management of forest ranger.
- (2) This Circular guiding the determination of smuggling, trade fraud in the field of forest management, forest protection and forest product management; deductions rate and the management, use of spending in support of the management, administration of the superiors agency prescribed in Circular 59/2008/TT-BTC.

2 Smuggling, trade fraud in the field of forest management, forest protection

- (1) Act of violation of administrative regulations on animal protection and management of endangered, rare and group IB, IIB stipulated in Decree 32/2006/NĐ-CP dated 30/3/2006 of the Government on the management of endangered, rare flora and fauna, and administrative violations for illegal importation of animals into Vietnam under the provisions of Decree 82/2006/ND-CP dated 10/8/2006 of the Government on the management of export, import, re-export, import through the sea, transit, breeding, rearing and growing artificial propagation of endangered and rare animals and plants sanctioned for administrative violations under the provisions of paragraph 3 and paragraph 4 of Article 20 of Decree 159/2007/ND-CP dated 30/10/2007 of the Government to sanction administrative violations in the field of forest management, forest protection and forest product management.
- (2) Acts of violation shall be sanctioned for administrative violations specified in Article 21, Article 22, Article 23 of Decree 159/2007/ND-CP dated 30/10/2007 of the Government on administrative sanctions in areas of forest management, forest protection and forest product management.

5 KEY PROVISIONS OF OTHER LAWS

5.1 ANTI-MONEY LAUNDERING	
A <i>Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999), As amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010)</i>	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
251	<p>Laundering money and/or property obtained through the commission of crime</p> <p>Money laundering</p> <p>(1) Those who commit any of the following acts shall be sentenced to between one and five years of imprisonment:</p> <ol style="list-style-type: none"> Directly or indirectly participating in financial or banking transactions or other transactions related to money or property which they clearly know are gained from the commission of a crime in order to conceal the illegal origin of such money or property; Using money or property which they clearly know are gained from the commission of a crime in conducting business or other activities; Concealing information on the origin, true nature, location, process of movement or ownership of money or property which they clearly know are gained from the commission of a crime, or obstructing the verification of such information; Committing one of acts specified at Points a. b and c of this Clause with regard to money or property which they clearly know are gained from the movement, transfer or conversion of money or property gained from the commission of a crime. <p>(2) Committing the crime in any of the following circumstances, offenders shall be sentenced to between three and ten years of imprisonment:</p> <ol style="list-style-type: none"> In a professional manner; Abusing positions and powers; Committing the crime more than once; In a professional manner; Employing sophisticated or perfidious tricks; Involving money and property of big value; Gaining big illicit profits; Causing serious consequences; Dangerous recidivism. <p>(3) Committing the crime in any of the following circumstances, offenders shall be sentenced to between eight and fifteen years of imprisonment:</p> <ol style="list-style-type: none"> Involving money and property of very or particularly big value; Gaining very or particularly big illicit profits; Causing very or particularly serious consequences. <p>(4) Offenders may also be subject to confiscation of part or the whole of their property, imposed a fine of up to three times the amount of money or value of property involved in their crimes, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”</p>

B Law on Prevention and Fighting against Money Laundering No.07/2012/QH13 (18/06/2012)

AGENCY	State Bank of Vietnam; Ministry of Justice
ARTICLE NO.	PROVISIONS
7	<p>Prohibited acts</p> <ol style="list-style-type: none">(1) Organizing and taking part or creating conditions to carry out the acts of money laundering.(2) Opening or maintaining anonymous accounts or accounts using false names.(3) Establishing and maintaining business relationships with the banks established in a country or territory, but not being present tangibly in that country or territory and not subject to the management and supervision of the competent management agencies.(4) Illegally providing the services of cash, check and other currency instruments receiving or the valuable storage instrument and making payments to the beneficiaries at another location.(5) Abusing the positions and powers in the prevention of money laundering to infringe upon the legitimate rights and interests of organizations and individuals.(6) Hindering the provision of information for the prevention of money laundering.(7) Threatening or taking revenge of the person detecting, providing information, reports and denunciations to the acts of money laundering.
35	<p>Violation handling</p> <p>The organizations that violate the provisions of this Law shall be sanctioned for administrative violations.</p> <p>The individuals violating the provisions of this Law, depending on the nature and seriousness of the violation, shall be subject to the forms of discipline, administratively sanction or prosecution of criminal liability as prescribed by law.</p> <p>Where the organizations and individuals violating the provisions of this Law and causing damage and must make compensation as prescribed by law.</p>
47	<p>The contents of international cooperation on prevention of money laundering</p> <ol style="list-style-type: none">(1) Exchanging information and documents on the prevention of money laundering.(2) Identifying and blocking property of persons committing the crime of money laundering.(3) Implementing legal assistance and extradition cooperation the crime of money laundering.(4) Other contents of cooperation on the prevention of money laundering.(5) The processes, procedures and methods of international cooperation on the prevention of money laundering in clause 1, 2, 3 and 4 of this Article shall comply with the international treaty in which the Socialist Republic of Vietnam is a member, the international agreements which Vietnam has signed and the other provisions of relevant law.
48	<p>Responsibilities of state agencies in international cooperation on prevention of money laundering</p> <ol style="list-style-type: none">(1) The State Bank of Vietnam in the scope of its duties, powers in coordination with the Ministry of Foreign Affairs, other ministries and sectors concerned to propose, preside over the negotiation and signing and implementation of international treaties, international agreement on the prevention of money laundering; international cooperation in research, training, information assistance, technical and financial assistance and exchange of experiences on the prevention of money laundering.(2) The State Bank of Vietnam shall exchange information on the prevention of money laundering with the foreign anti-money laundering agencies and other foreign agencies and organizations as prescribed by law; have the right to refuse to provide information to the foreign anti-money laundering agencies and other foreign agencies and organizations in case of necessity and in accordance with the law of Vietnam.(3) The Ministry of Justice, Ministry of Public Security, Supreme People's Procuracy in their duties and powers to perform the tasks of international cooperation on legal assistance in the prevention of money laundering.

B Section continued	
ARTICLE NO.	PROVISIONS
	(4) Upon request of international cooperation in prevention of money laundering, the competent state agencies shall promptly notify in writing of the content, time, parties concerned and the other international cooperation program to the State Bank of Vietnam or the Ministry of Justice if the content is related to the legal assistance for coordinated implementation.

C Decree Detailing Implementation of a Number of Articles of Law on Prevention and Combat of Money Laundering (No. 116/2013/ND-CP) (04/10/2013)	
AGENCY	State Bank of Vietnam; Ministry of Justice
ARTICLE NO.	PROVISIONS
28	<p>International cooperation in defining and blockading assets of the money laundering offenders</p> <p>(1) Sequence, procedure of defining, blockading assets of a money laundering offender shall be implemented in accordance with the Law on legal assistance, international treaties of which the Socialist Republic of Vietnam is a member, Code of Penal procedure and other provisions of applicable laws.</p> <p>(2) Requirement of defining and blockading assets in Vietnam of an overseas money laundering offender shall be subject to requirements in Point a Clause 3 Article 27 of this Decree and be submitted to the Ministry of Justice together with the decision or verdict of the Court judging that the person whose assets are required to be defined and blockaded in Vietnam is a money laundering offender.</p>
29	<p>Legal assistance and cooperation on extraditing money laundering offenders</p> <p>(1) Procedures, methods of legal assistance in anti-money laundering shall be subject to the Law on legal assistance and Code of Penal procedure of Vietnam, international treaties of which the Socialist Republic of Vietnam is a member, legal assistance agreements between Vietnam and other countries.</p> <p>(2) Procedures, methods of cooperation in extraditing money laundering offenders shall be subject to the Law on legal assistance and Code of Penal procedure of Vietnam, international treaties of which the Socialist Republic of Vietnam is a member, legal assistance agreements between Vietnam and other countries. The Ministry of Public Security shall act as a head unit in performing and requiring cooperation in extraditing money laundering offenders.</p>

5.2 CUSTOMS	
A Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999), As amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010)	
AGENCY	Ministry of Justice
ARTICLE NO.	PROVISIONS
153, 154	Please see provisions in section 4.1(l) Criminalization of Trafficking of Wildlife and Timber

B Custom Law 2014 (23/6/2014) (No.29/2001/QH10) (29/06/2001)	
AGENCY	Customs
ARTICLE NO.	PROVISIONS
5	<p>Application of international agreements, international conventions and practices on customs</p> <p>(1) Where an international agreement which the Socialist Republic of Vietnam has signed or acceded to contains provisions different from those of this Law, the provisions of such international agreement shall apply.</p> <p>(2) For cases which have not yet been provided for by this Law, other legal documents of Vietnam and international agreements which the Socialist Republic of Vietnam has signed or acceded to, the international conventions and practices on customs may be applied provided that such application is not against the fundamental principles of Vietnamese law.</p>

B Section continued

ARTICLE NO.	PROVISIONS
11	Vietnam Customs is tasked to inspect and supervise goods and transport means; to prevent and combat smuggling and illegal cross-border goods transportation; to organize the implementation of tax legislation with regard to export and import goods; to propose policies and measures for customs-related State management over the export, import, exit, entry and transit activities as well as tax policies for export and import goods.
63	<p>Responsibilities of the customs service in the prevention and combat of smuggling and illegal cross-border goods transportation</p> <p>Tasks of the customs service in the prevention and combat of smuggling and illegal cross-border goods transportation</p> <ol style="list-style-type: none"><li data-bbox="352 595 1364 685">(1) Within the scope of their tasks and powers, the customs offices at all levels shall organize the performance of the task of preventing and combating smuggling and illegal cross-border goods transportation.<li data-bbox="352 696 1364 763">(2) The customs offices at all levels may establish specialized units to perform the task of preventing and combating smuggling and illegal cross-border goods transportation.
64	<p>The scope of responsibility to prevent and combat smuggling and illegal cross-border goods transportation</p> <ol style="list-style-type: none"><li data-bbox="352 864 1364 965">(1) Within the geographical areas of customs operation, the customs offices shall have to inspect, supervise and control goods and transport means so as to actively prevent and combat smuggling and illegal cross-border goods transportation. <p>Where goods and/or transport means have not yet been taken out of the geographical areas of customs operation while agencies, organizations or individuals detect acts of smuggling or illegal cross-border goods transportation, such agencies, organizations or individuals shall have to immediately notify the customs offices thereof for inspection and handling.</p> <ol style="list-style-type: none"><li data-bbox="352 1111 1364 1211">(2) Outside the geographical areas of customs operation, the customs offices shall have to coordinate with the concerned State bodies in applying measures to prevent and combat smuggling and illegal cross-border goods transportation. <p>Where goods or transport means have been taken out of the geographical areas of customs operation while the concerned State bodies have grounds to believe that acts of smuggling or illegal cross-border goods transportation are committed, they shall conduct according to their competence the inspection and handling thereof under the provisions of law.</p> <ol style="list-style-type: none"><li data-bbox="352 1357 1364 1458">(3) The People's Committees at all levels shall direct and coordinate activities of the customs offices and other concerned State bodies in their localities in performing the task of preventing and combating smuggling and illegal cross-border goods transportation.
65	<p>Competence of the customs offices in the application of measures to prevent and combat smuggling and illegal cross-border goods transportation</p> <ol style="list-style-type: none"><li data-bbox="352 1559 1364 1749">(1) Organizing forces, setting up database, applying necessary professional measures, gathering customs operation-related information at home and abroad so as to actively prevent and combat smuggling and illegal cross-border goods transportation, and serve the customs clearance for goods and the post-customs clearance inspection; coordinating with the concerned bodies in keeping secret the suppliers of information on cases of smuggling and illegal cross-border goods transportation.<li data-bbox="352 1760 1364 1883">(2) Conducting customs control over goods and transport means; assuming the prime responsibility and coordinating with the concerned State bodies in carrying out activities of preventing and combating smuggling and illegal cross-border goods transportation within the geographical areas of customs operation.<li data-bbox="352 1895 1364 1962">(3) Taking necessary professional scouting measures as prescribed by law to detect acts of smuggling and illegal cross-border goods transportation.<li data-bbox="352 1973 1364 2067">(4) Requesting concerned agencies, organizations and/or individuals to supply information and materials if such information and materials are necessary for the verification of acts of smuggling and illegal cross-border goods transportation.

B Section continued	
ARTICLE NO.	PROVISIONS
	<p>(5) Requesting postal service-providing enterprises to open postal matters and goods exported or imported by mail for inspection when there are grounds to believe that such postal matters and goods contain materials and goods related to smuggling and illegal cross-border goods transportation.</p> <p>(6) Undertaking the international cooperation in the prevention and combat of smuggling and illegal cross-border goods transportation. Competence of the customs offices and customs officers in handling acts of smuggling and illegal cross-border goods transportation</p>
66	<p>(1) Where they have grounds to believe that there are acts of hiding smuggled goods or illegal cross-border goods transportation, the directors of the border-gate customs sub-departments, the directors of the customs sub-departments of the outside-of-border gate sites of customs procedure completion and the heads of the customs control squads may decide on the body search and the search of the transportation means as well as places where the goods are hidden, and the temporary seizure of people, transportation means and/or goods according to the law provisions on the handling of administrative violations.</p> <p>(2) When detecting acts of violation of customs legislation, which are so serious to be examined for penal liability, the customs offices and customs officers with the competence prescribed by the criminal procedure legislation may initiate the cases, initiate criminal cases against the accused and conduct investigative activities. The initiation of criminal cases, the initiation of criminal cases against the accused and the carrying out of investigative activities must strictly comply with the provisions of criminal procedure legislation.</p> <p>(3) The customs offices and customs officers shall, when carrying out activities prescribed in Clauses 1 and 2 of this Law, have to take responsibility before law for their decisions. Handling of violations</p>
79	<p>(1) Those who violate the provisions of customs legislation shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability, if causing damage, they shall have to pay compensation therefore according to law provisions.</p> <p>(2) The customs officers who commit acts of obstructing activities of export, import, entry, exit, transit or other acts of violation of customs legislation shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability, if causing damage, they shall have to pay compensation therefore according to law provisions.</p>

5.3 EXTRADITION

A Law on Legal Assistance (No.08/2007/QH12)

AGENCY	Government; Ministry of Justice; Ministry of Public Security; Ministry of Foreign Affairs
ARTICLE NO.	PROVISIONS
32	<p>Extradition for penal liability examination or judgment enforcement</p> <p>(1) Extradition means the hand-over by one country to another country of a person who has committed a criminal act or been criminally sentenced and is being present in its territory so that the extradition-requesting country conducts the penal liability examination or judgment enforcement against such person.</p> <p>(2) Vietnams competent proceedings-conducting bodies may:</p> <ol style="list-style-type: none"> Request competent bodies of foreign countries to extradite to Vietnam persons who have committed criminal acts or been criminally sentenced and their sentences have already taken legal effect for penal liability examination or judgment enforcement; Extradite foreigners staying in the Vietnamese territory who have committed criminal acts or been criminally sentenced and their sentences have already taken legal effect to requesting countries for penal liability examination or judgment enforcement.

B Section continued

ARTICLE NO.	PROVISIONS
33	<p>Cases of extradition</p> <p>(1) Persons who may be extradited under the provisions of this Law are those who commit criminal acts for which the Penal Code of Vietnam or the criminal law of the requesting country prescribes penalties of one or more years in prison, life imprisonment or death penalty or who have been sentenced to imprisonment by a court of the requesting country and the remaining imprisonment duration is at least six months.</p> <p>(2) Criminal acts of the persons defined in Clause 1 of this Article must not necessarily be in the same category of crimes or the same crime, and the factors that constitute their offenses must not necessarily be the same under the laws of Vietnam and the requesting countries.</p> <p>(3) If criminal acts of the persons defined in Clause 1 of this Article took place outside the territory of the requesting countries, the extradition of offenders may be effected if those acts are criminal acts prescribed in Vietnams Penal Code.</p>
34	<p>Non-examination of penal liability, non-extradition to a third country</p> <p>Persons extradited to Vietnam will not be examined for penal liability or extradited to a third country for the acts they have committed in foreign countries before their extradition to Vietnam which, however, do not constitute crimes under Vietnams Penal Code and are not stated in the extradition requests of Vietnam or a third country.</p> <p>In case Vietnam is requested to make extradition, the extradition is effected only when the extradition-requesting countries commit not to examine the penal liability of the extradited persons for criminal acts other than those stated in the extradition requests and not to extradite such persons to a third country, unless it is so agreed in writing by Vietnam.</p>
35	<p>Refusal of extradition to foreign countries</p> <p>(1) Competent proceedings-conducting bodies of Vietnam may refuse extradition if the extradition requests fall into one of the following cases:</p> <ul style="list-style-type: none">a. The persons requested for extradition are Vietnamese citizens;b. Under Vietnamese law, the persons requested for extradition cannot be examined for penal liability or serve their penalties due to expired statute of limitations or other lawful reasons;c. The persons requested for extradition for penal liability examination have already been condemned by Vietnamese courts with legally effective judgments for the criminal acts stated in the extradition requests or the cases have been suspended under Vietnams criminal procedure law;d. The persons requested for extradition are those who are residing in Vietnam for reasons of possible coercion in the extradition-requesting country due to discrimination of race, religion, gender, nationality, ethnicity, social class or political viewpoint;dd. The extradition requests are related to different crimes and each crime can be examined for penal liability under the law of the extradition-requesting country, but fail to comply with Clause 1, Article 33 of this Law. <p>(2) Apart from the cases of extradition refusal specified in Clause 1 of this Article, competent proceedings-conducting bodies of Vietnam may refuse extradition if the extradition requests fall into one of the following cases:</p> <ul style="list-style-type: none">a. Acts committed by persons requested for extradition are not crimes under Vietnams Penal Code;b. Persons requested for extradition are being examined for penal liability in Vietnam for the criminal acts stated in the extradition requests. <p>(3) Competent proceedings-conducting bodies of Vietnam that refuse extradition under the provisions of Clauses 1 and 2 of this Article shall notify their counterparts in the extradition-requesting countries thereof.</p>

5.4 ANTI-CORRUPTION

A *Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999), As amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010)*

AGENCY Ministry of Justice

ARTICLE NO. **PROVISIONS**

279	<p>Receiving bribes</p> <p>(1) Those who abuse their positions and/or power, have accepted or will accept directly or through intermediaries money, property or other material interests in any form valued between two million dong and ten million dong, or under two million dong but in one of the following circumstances in order to perform or not to perform certain jobs for the benefits or at the request of the bribe offerers, shall be sentenced to between two and seven years of imprisonment:</p> <ol style="list-style-type: none">Serious consequences are caused;The offenders have already been disciplined for such acts but continue to commit them;The offenders have already been sentenced for one of the crimes stipulated in Section A, this Chapter, not yet been entitled to criminal record remission but continue to commit them. <p>(2) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:</p> <ol style="list-style-type: none">In an organized manner;Abusing positions and/or powers;Committing the offense more than once;Knowing clearly that the bribes are the State's property;Asking for bribes, harassing or employing treacherous tricks for bribes;The bribe is valued between ten million dong and under fifty million dong;Causing other serious consequences. <p>(3) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment:</p> <ol style="list-style-type: none">Appropriating property valued between fifty million dong and under three hundred million dong;Causing other very serious consequences. <p>(4) Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment:</p> <ol style="list-style-type: none">Appropriating property with valued at three hundred million dong or more;Causing other particularly serious consequences. <p>(5) The offenders shall also be banned from holding certain posts for one to five years, may be subject to a fine between one and five times the value of the bribe, and/or the confiscation of part or whole of property.</p>
289	<p>Offering bribes</p> <p>(1) Those who offer a bribe which has a value of between 2 million dong and under ten million dong, or under 2 million dong but cause serious consequences or commit it more than once, shall be sentenced to between one and six years of imprisonment.</p> <p>(2) Committing the offense in one of the following circumstances, the offenders shall be sentenced to between six months and thirteen years of imprisonment:</p> <ol style="list-style-type: none">In an organized manner;Employing treacherous tricks;Using State property to offer bribes;Committing the offense more than once;

A Section continued

ARTICLE NO.	PROVISIONS
	<ul style="list-style-type: none">e. The bribe has a value of between ten million dong and under fifty million dong;f. Causing other serious consequences. <p>(3) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between thirteen and twenty years of imprisonment:</p> <ul style="list-style-type: none">a. The bribe has a value of between fifty million dong and under three hundred million dong;b. Causing other very serious consequences. <p>(4) Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment or life imprisonment:</p> <ul style="list-style-type: none">a. The bribe has a value of three hundred million dong or more;b. Causing other particularly serious consequences. <p>(5) The offenders may also be subject to a fine of between one and five times the value of the bribe.</p> <p>(6) Persons who are coerced to offer bribes but take initiative in reporting them before being detected may be exempt from penal liability and have part of or the entire property offered as bribes returned.</p>
290	<p>Acting as intermediaries for bribery</p> <p>(1) Those who act as intermediaries for bribery and the bribe has a value of between five hundred thousand dong and under ten million dong, or under five hundred thousand dong but causes serious consequences, or commit the offense more than once, shall be sentenced to between six months and five years of imprisonment.</p> <p>(2) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:</p> <ul style="list-style-type: none">a. In an organized manner;b. Employing treacherous tricks;c. Knowing that the bribes are State property;d. Committing the offense more than once;e. The bribe has a value of between ten million dong and under fifty million dong;f. Causing other serious consequences. <p>(3) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between eight years and fifteen years of imprisonment:</p> <ul style="list-style-type: none">a. The bribe has a value of between fifty million dong and under three hundred million dong;b. Causing other very serious consequences. <p>(4) Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve and twenty years of imprisonment:</p> <ul style="list-style-type: none">a. The bribe has a value of three hundred million dong or more;b. Other particularly serious consequences are caused. <p>(5) The offenders may also be subject to a fine of between one and five times the value of the bribe.</p> <p>(6) The bribery intermediaries who take initiative in reporting such before being detected, shall be exempt from penal liability.</p>

B Anti-corruption Law 2005 (Rev. 23/11/2012) (NO.55/2005/QH11) (29 11/2005)

AGENCY	Central Steering Committee for Corruption Prevention and Combat headed by the Prime Minister; The Government Inspectorate, the Ministry of Public Security and the Supreme People's Procuracy shall each have a specialized anti-corruption unit
ARTICLE NO.	PROVISIONS
3	<p>Corrupt acts</p> <ol style="list-style-type: none">(1) Embezzling properties.(2) Taking bribes.(3) Abusing positions, powers to appropriate properties.(4) Taking advantage of positions, powers while performing tasks or official duties for self-seeking interests.(5) Abusing powers while performing tasks or official duties for selfseeking interests.(6) Taking advantage of positions, powers to influence other persons forself-seeking interests.(7) Committing forgeries in work for self-seeking interests.(8) Offering bribes, bribe brokerage by persons with positions and/or powers to settle affairs of agencies, organisations, units or localities for selfseeking interests.(9) Taking advantage of positions, powers to illegally use state properties for self-seeking interests.(10) Harassment for self-seeking interests.(11) Failure to perform tasks or official duties for self-seeking interests.(12) Taking advantage of positions, powers to cover up law violators for self-seeking interests; illegally hindering, intervening in the examinations, inspections, audits, investigations, prosecutions, adjudications or judgment executions for self-seeking interests.
10	<p>Prohibited acts</p> <ol style="list-style-type: none">(1) Acts specified in Article 3 of this Law.(2) Intimidation, revenge, retaliation of persons who have detected, reported on, denounced, supplied information on corrupt acts.(3) Taking advantage of denunciation of corruption to slander other agencies, organizations, units or individuals.
90	<ol style="list-style-type: none">(1) The Government Inspectorate shall coordinate with the Ministry of Foreign Affairs, the Ministry of Public Security and concerned agencies in implementing international cooperation on research, training, policy formulation, information exchange, financial support, technical assistance, experience exchange in corruption prevention and combat.(2) The Supreme People's Procuracy, the Ministry of Justice, the Ministry of Public Security shall, within the ambit of their respective tasks and powers, perform the tasks of international cooperation on judicial assistance in corruption prevention and combat.

6 PENALTIES

6.1 PENALTIES UNDER EXISTING NATIONAL LAWS ON WILDLIFE CRIME

Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999) As amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010)	153	10 million	100 million	6 months	life
	154	5 million	20 million	3 months	10
	155	3 million	30 million	3	15
	175	5 million	50 million	Up to 3 year non-custodial reform	3
	176	10 million	100 million	6 months	12
	188	10 million	100 million	Up to 3 year non-custodial reform	5
	189	10 million	100 million	Up to 3 year non-custodial reform	5
	190	50 million	500 million	Up to 3 year non-custodial reform	7
	191	50 million	500 million	Up to 3 year non-custodial reform	10
Decree on Administrative Punishment over Forest Management, Forest Development , Forest Protection and Forest Product Management (Decree 157/2013/ND-CP) (11/11/2013)	21	500	500 million	n.a.	n.a.
	22	1 million	500 million	n.a.	n.a.
	23	1 million	500 million	n.a.	n.a.
Governmental Decree On Penalties Imposed on Administrative Penalties in Respect of Environmental protection (Decree No. 179/2013/ND-CP)	4		1 billion (individual) 2 billion (organization)		10
	42	2 million	500 million	n.a.	n.a.
	43	2 million	500 million	n.a.	n.a.

6.2 PENALTIES UNDER OTHER NATIONAL LAWS

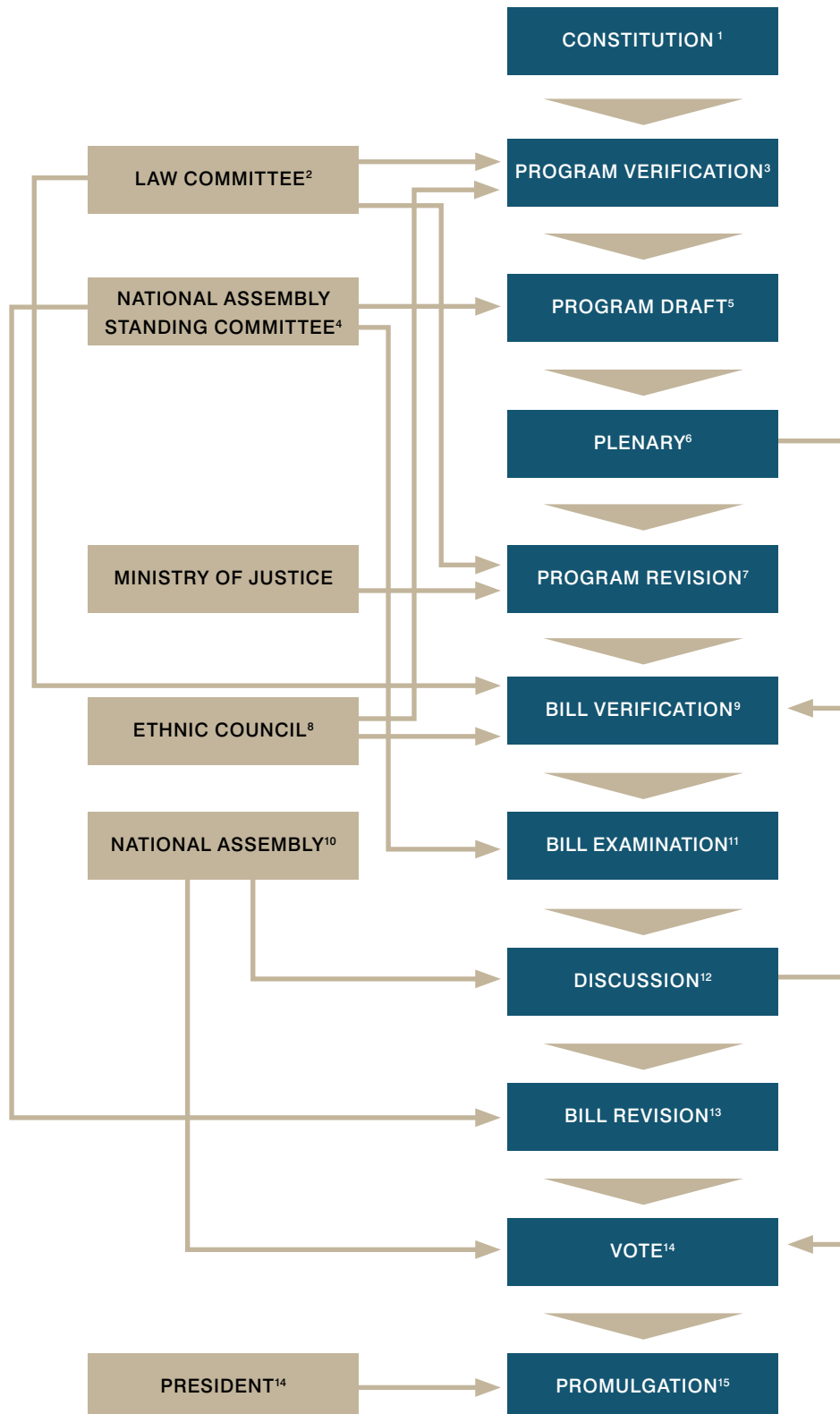
Law and relevant provisions	Article No.	Fine*		Imprisonment**	
		Min	Max	Min	Max
Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999), As amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010)	251		up to three times the amount of money or value of property involved in their crimes	1	15
	279	2 million	10 million	2	capital
	289	2 million	under 10 million	1	life

* In local currency Vietnam Dong (VND)

** In years unless otherwise stated.

7 ANNEXES

A OVERVIEW OF LEGISLATIVE PROCESS OF VIETNAM¹⁶



Footnotes:

- 1 Chapter VI Article 83 of the Constitution states that the National Assembly is the only organ with legislative powers. However various institutions can send proposals, including; the President, National Assembly agencies, executive government agencies, the Supreme People's Court, and the Supreme People's Procuracy.
- 2 The Law Committee (sometimes referred to as the Committee on Laws) is one of 9 Standing Committees related to different policy areas.
- 3 Before being submitted to the National Assembly Standing Committee, the legislative proposals must be verified by the Law Committee and the Ethnic Council (and sometimes other committees) to ensure that they meet the necessary legal requirements. A verification report is then written.
- 4 The National Assembly Standing Committee (NASC) guides the overall work of the National Assembly when the NA is not seated. Members are selected by the National Assembly.
- 5 The NASC drafts the legislative program which includes an explanation and draft resolution. This is also included on the Government Website.
- 6 The National Assembly will consider the draft legislative program at the plenary. Either suggestions will be made for the program or it will be voted straight through
- 7 Any revision on the program will be made by the Law Committee, the Ministry of Justice (and any other committees which had previously had input)
- 8 The main duties of the Ethnic Council includes investigating and contributing to legal documents in relation to ethnic issues.
- 9 Detailed consideration of draft legislation by the Law Committee and Ethnic Councils (and sometimes other committees) will verify whether Bills are feasible financially and constitutionally. Other practical matters will also be addressed here.
- 10 The National Assembly is the unicameral legislative chamber of Vietnam. It has 500 members; 458 belong to the Communist Party of Vietnam (CPV) and 42 are independent.
- 11 Examination by the NASC provides further input on a Bill. It will then prepare it for NA discussion.
- 12 At the National Assembly discussion there is a report and explanation of the Bill followed by a plenary session of deliberation.
- 13 If issues are not resolved in discussions, the Bill is sent back to the NASC for revision.
- 14 A Bill is passed when it receives the majority of votes.
- 15 The President's signature is required to pass a Bill into law.
- 16 SHERLOCK S (2015), One ASEAN: Many Systems. Legislative Procedures of AIPA Member Parliaments. ISBN 978-602-72633-1-4. The flowchart for the legislative process was created based on the information provided in this document.

B LIST OF NATIONAL LAWS

1. Anti-corruption Law 2005 (Rev. 23/11/2012) (No.55/2005/QH11) (29/11/2005)
2. Biodiversity Law (No.20/2008/QH12) (13/11/2008)
3. Circular on Document Package of Legal Forest Products and Examination of Forest Products (01/2012/TT-BNNPTNT) (04/02/2012)
4. Circular No. 90/2008/TT-BNN Guidance on settlement of Confiscated Wildlife (28/08/2008)
5. Circular No.13/2009 of Ministry of Agriculture and Rural Development on management and using of revenue from illegal wildlife punishment
6. Custom Law 2014 (23/6/2014) (No.29/2001/QH10) (29/06/2001)
7. Decree on Management of Export, Import, Re-export and introduction from the Sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10/08/2006)
8. Decree on Administrative Punishment over Forest Management, Forest Development, Forest Protection and Forest Product Management (Decree 157/2013/ND-CP) (11/11/2013)
9. Decree on Management of Endangered, Precious, and Rare Species of Wild Fauna and Flora (No.32/2006/ND-CP) (30/03/2006)
10. Decree on Detailed Guidance on Implementation of the Anti-corruption Law (No.120/2006/ND-CP)
11. Decree on Detailed Guidance on Implementation of the Law on Cultural Heritage (No.92/2002/ND-CP) (11/11/2002)
12. Decree on Prevention of Crimes and Other Legal Violations using Advance Technology (25/2014/ND-CP) (07/04/2014)
13. Decree Detailing Implementation of a Number of Articles of Law on Prevention and Combat of Money Laundering (No. 116/2013/ND-CP) (04/10/2013)
14. Decree No.179/2013/ND-CP on Penalties Imposed on Administrative Penalties in respect of Environmental Protection
15. Decision of Ministry of Agriculture and Rural Development on Strengthening the Steering Committee for Wildlife Law enforcement (Decision No. 1632/QD-BNN-TCCB) (16/07/2013)
16. Decree on Criteria for determining Species and Management Mechanisms for the Species under the List of Rare, Precious and Endangered Species Prioritized for Protection (No.160/2013/ND-CP) (12/11/2013)
17. Environmental Law 2005 (No.52/2005/QH11) (2005)
18. Fisheries Law (No. 17/2003/QH11) (26/12/2003)
19. Forest Protection and Development Law 2004 (No.29/2004/QH11) (14/12/2004)
20. Joint Circular No.19/2007/TTLT/BNN Inter-agency Circular Outlining Guidelines for the Application of Certain Articles in the Criminal Code to Violations of Forest Protection and Management Laws
21. Law on Cultural (amended 2009) Heritage (No.28/2001/QH10) (29/06/2001)
22. Law on Legal Assistance (No.08/2007/QH12)
23. Law on Prevention and Fighting against Money Laundering No.07/2012/QH13 (18/06/2012)
24. Law on Higher Technology (No.21/2008/QH1) (13/11/2008)
25. Law on Chemicals (No.06/2007/QH12) (21/11/2007)
26. Ordinance on Veterinary (No.18/2004/PL-UBTVQH11) (29/05/2004)
27. Prime Minister Directive No.3/CT-TTg 2014 on strengthening the Direction and Implementation of Measures for Controlling and Protecting Endangered, Rare and Precious Wild Animals (20/02/2014)
28. Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21/12/1999), As amended by Law amending and supplementing a number of Articles of the Penal Code (No.37/2009/QH12) (01/01/2010)
29. Decree No. 59/2005/ND-CP of May 4, 2005 on conditions for a number of aquatic resource, production and business lines.

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