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OFFICE OF THE NATIONAL ASSEMBLY OF VIETNAM HANDBOOK OF CONSERVATION POLICY CASE STUDIES – IMPLICATIONS FOR VIETNAM SUMMARY REPORT

For the internal reference of the National Assembly

Hanoi, Vietnam
October 2020

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USAID WILDLIFE ASIA

Vietnam National Assembly

Handbook on Conservation Policy Case Studies –
Implications for Vietnam

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COR Name:	Craig Kirkpatrick
Submitted by:	Peter Collier, USAID Wildlife Asia Chief of Party 208 Wireless Road, Unit 406 Lumpini, Pathumwan Bangkok 10330 Thailand

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CONTEXT

Vietnam is one of the most biodiverse countries in the world, with many species of terrestrial and aquatic micro-organisms, plants, and animals. The country is home to several endemic wildlife species as well as species classified as threatened on the International Union for Conservation of Nature (IUCN) Red List.

Vietnam was an early signatory to several international conventions and cooperation mechanisms for the protection of wildlife, such as the Convention on Biodiversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Wetlands of International Importance (Ramsar), the Association of Southeast Asian Nations Wildlife Enforcement Network (ASEAN-WEN), the London Declaration on Illegal Wildlife Trade, the Kasane Statement on Illegal Wildlife Trade, the East Asia Summit Declaration, and the Asia-Pacific Economic Cooperation (APEC) Statement on strengthening cooperation to combat illegal trade and reduce demand for illegal wildlife products.

Vietnam has been promoting bilateral and multilateral cooperation with many countries, and has signed a Memorandum of Understanding (MoU) with South Africa on ending rhino horn trade (2012) and the Joint US-Vietnam Statement on the designation of wildlife crime (2016) as a serious crime, among others.

The Vietnamese government has demonstrated its appreciation for biodiversity by implementing a number of conservation measures and by recognizing the adverse impact of wildlife crime on natural resources, the ecosystem, community livelihoods, and the country's economy.

Vietnam has enacted several pieces of legislation to conserve biodiversity and protect wildlife, including: the 2008 Law on Biodiversity; the 2015 Penal Code, which was amended and supplemented in 2017; the 2017 Law on Forestry (replacing the 2004 Law on Forest Protection and Development); the 2014 Law on Investment, amended in 2020; the 2017 Law on Fisheries; Decree 160/2013/NĐ-CP on the management of endangered, precious, and rare species prioritized for protection; Directive 03/CT-TTg on strengthening guidance and the implementation of measures for the conservation of endangered, precious, and rare species, with nine measures dedicated to preventing violations of related domestic and international laws; Directive 28/CT-TT on urgent measures to prevent and combat acts of illegal encroachment on wildlife species; and most recently, Directive 05/TC-TTg of the Prime Minister, which bans wildlife imports into Vietnam. The country has also used education and communication to improve the community's awareness about conservation.

In recent years, Vietnam's biodiversity has shown signs of decline while the number of wildlife species at risk of extinction is on the rise. The decline comes from factors such as climate change, population growth, deforestation, hunting, pollution, and illegal wildlife trade. Vietnam is also a destination and transit point for illegal wildlife products, such as elephant ivory, rhino horn, and pangolin scales.

Though the Vietnamese legislative framework around wildlife protection is comprehensive, its implementation has revealed certain limitations. For example, there are overlaps on the lists of endangered, precious, and rare species prioritized for protection; there are also improvements needed on several regulations such as the valuation of seized goods, judicial review, the handling of evidence in both administrative violations and court cases, and those imposing penalties for administrative violations. There is also a need for clarity on which specialized agencies are responsible for the handling of wildlife as evidence.

Following the high-level dialogue held in July 2019, the Office of the National Assembly worked in collaboration with the United States Agency for International Development (USAID) and TRAFFIC in Vietnam to organize a dialogue on conservation policy case studies and their implications for Vietnam. The aim of the meeting was to create a forum for National Assembly delegates, government specialists, and international experts to share lessons learned from the conservation policies of other nations and to use these lessons as a basis for refining wildlife policy in Vietnam. The dialogue was framed within the context of COVID-19 and its transmission from wildlife to humans, which has caused governments worldwide to implement urgent regulations on the trade and consumption of wildlife.

I. OVERVIEW: WILDLIFE PROTECTION IN VIETNAM

I. WILDLIFE IN VIETNAM

Wildlife plays a critical role in ecosystems, providing support for ecosystem services that directly benefit humans by contributing to the economy, especially through the agricultural, forestry, fishery, and pharmaceutical industries. They support national food security, maintain genetic resources for breeding animals and plants, and provide construction materials, medicines, and foods.

Vietnam is highly biodiverse, with many natural ecosystems, and is rich in endemic species and genetic resources. According to Vietnam's *Sixth National Report to the United Nations Convention on Biodiversity*, the country has around 51,400 species, including 7,500 micro-organisms, 20,000 terrestrial and aquatic plant species, 10,900 terrestrial animal species, 2,000 invertebrates and freshwater fish species, and more than 11,000 other marine species. Some species with a high conservation value have particularly affirmed the global importance of Vietnam's biodiversity, such as the saola *Pseudoryx nghetinhensis*, the silver-backed chevrotain *Tragulus versicolor*, the giant muntjac *Muntiacus vuquangensis*, the Annamite muntjac *Muntiacus truongsongensis*, the Annamite striped rabbit *Nicolaus timmins*, the Asian elephant *Elephas maximus*, the banteng cow *Bos javanicus*, the kouprey *Bos sauveli*, the tiger *Panthera tigris*, the Indochinese leopard *Panthera pardus delacouri*, and the sika deer *Cervus nippon*, along with other species of primates, sea turtles, tortoises, and freshwater turtles. BirdLife International has also identified 63 "important bird and biodiversity areas" in Vietnam, meaning that they are places of international significance to the conservation of birds and other species.

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

From 1997 to 2014, surveys conducted in different territories in Vietnam documented newly discovered species. Statistics indicated that species found in Vietnam accounted for more than half of new species discovered in the Greater Mekong Subregion (including Cambodia, Lao PDR, Myanmar, Thailand, and Vietnam) (WWF, 2015). Out of 139 flora and fauna species discovered in Vietnam, there were 90 plants, 23 reptiles, 16 amphibians, nine fish, and one mammal. Dozens of new animals and plants have been described in recent years (WWF, 2018). From 2014 to 2018, 344 new species, including 208 animals and 136 plants, were identified and the findings published in prestigious international scientific journals, as well as the *Academia Journal of Biology* of the Vietnam Academy of Science and Technology (*Sixth National Report to the Convention on Biological Diversity*). However, statistics have also revealed a sharp decline in both the number of species and the populations of wild species in Vietnam. Many species are at high risk of extinction, such as the Sin-hoe turtle *Rafetus*

swinhoei, of which there are only three living individuals known in the world—one in China and two in Vietnam (ATP, 2018). Other large mammals, such as elephants, Asian big cats, bears, and pangolins are in need of urgent protective measures (Nguyen *et al.*, 2016). The saola, an endemic species of the Annamite range, is also on the brink of extinction.

Vietnam has 276 species listed as threatened on the IUCN Red List, including 59 mammals, 57 birds, 75 reptiles, 51 amphibians, and 32 fish. A total of 882 species are listed in the Vietnam Red Book (2007), which saw an increase in precious and rare animal species from 365 species in 1992 to 418 in 2007. Plant species in the book increased from 356 species in 1996 to 464 species in 2007. The Red Book includes 116 species that are critically endangered, and nine that have already become extinct in Vietnam—the Javan rhinoceros *Rhinoceros sondaicus*, kouprey, tapir *Tapirus indicus*, otter civet *Cynogale bennettii*, saltwater crocodile *Crocodylus porosus*, and sika deer. The 2016 species inventory proposed the addition of 1,211 species to the Red Book, including 600 plant species and 611 animal species; a significant increase from 2007.

2. IMPORTANCE OF WILDLIFE

Wildlife is an integral part of the ecosystem, providing balance and support. It is a limited natural resource that has played a key role in human development and is a source of essential materials, ingredients, and medicines. It is also a key source of natural and cultural pride to countries around the world.

3. LEGAL FRAMEWORK FOR WILDLIFE PROTECTION

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

WILDLIFE MANAGEMENT LEGISLATION

- The Law on Forestry (2017), which replaced the Law on Forest Protection and Development (2004), regulates the management and protection of forest plants and animals. Hunting, catching, rearing, killing, storing, transporting, trading, or collecting specimens of protected forest plants and animals is illegal;
- The Law on Biodiversity (2008) regulates the conservation of biodiversity, including wildlife protection, and prohibits “hunting or fishing wildlife in strictly protected sub-areas of protected areas, except for the purpose of scientific research”;
- The Law on Investment (2014) provides a list of endangered wild plants and animal species that are banned from commerce;
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to which Vietnam is a signatory.
- Decree No. 06/2019/NĐ-CP on the management of endangered, precious, and rare species of forest fauna and flora and implementation of CITES (replacing Decree 32 and Decree 82);
- Decree No. 160/2013/NĐ-CP on criteria to determine species and the management of species listed as endangered, precious, and rare species prioritized for protection;
- Decision No. 11/2013/QĐ-TTg on the prohibition of export, import, purchase, and sale of specimens of wild fauna species listed on CITES appendices (prohibition on trading in elephant species and African rhinoceros species);
- Decision No. 45/QĐ-TTg on national biodiversity conservation to 2020 and vision to 2030;

- Decision No. 1250/QĐ-TTg on the national strategy for biodiversity to 2020 and vision to 2030;
- Directive 03/CT-TTg on requesting that ministries, agencies, and localities strengthen the implementation of control measures on the conservation of endangered fauna;
- Directive 28/CT-TTg on urgent solutions for wildlife crime;
- Decision No. 763/QĐ-TTg on approving the Master Conservation Scheme for the period of 2013-2020;
- Decision No. 539 /QĐ-TTg on approving the National Program on Tiger Conservation for the period of 2014-2022;
- Circular No. 27/2018/TT-BNNPTNT of the Ministry of Agriculture and Rural Development on the management and tracing of forest products.
- A provision was recently added to a draft law, as follows: “Endangered, precious, and rare wildlife species and endemic species need to be monitored. Information is to be collected about factors and activities that impact them to serve the purposes of conserving and ensuring the sustainable use of biodiversity.” (Article 24 and 19 of the Draft Law).

LEGISLATION ON PENALTIES FOR WILDLIFE CRIME

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

IMPLEMENTATION OF WILDLIFE PROTECTION LAWS AND POLICIES

On February 20, 2014, the Prime Minister issued Directive No. 03/CT-TTg on strengthening conservation measures towards endangered, precious, and rare wildlife species. The directive engaged various government agencies to implement solutions in concert to prevent wildlife crime. However, in some places, trade in products such as ivory and rhino horn was highly complex and challenged law enforcement efforts. This presented obstacles for Vietnam's implementation of wildlife-focused international conventions and agreements.

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

- The People's Committees of provinces and municipalities shall engage local authorities in carrying out inspections at craft villages, processing facilities, souvenir shops, airports, piers, and traditional medicine manufacturers, and strictly penalize any wildlife infractions. The penalties shall be publicized on mass media. Committee heads and local authorities shall be

held responsible to the prime minister for crimes committed in the areas under their management.

- The Ministry of Public Security, in coordination with other key ministries such as the Ministry of Defense, the Ministry of Finance, the Ministry of Agriculture and Rural Development, and the Ministry of Natural Resources and Environment, shall take the lead in the fight against transnational organized crime in the trade, storage, transport, export and import of illegal wildlife and wildlife products, especially of ivory and rhino horn. The Ministry of Public Security shall further collaborate with the Ministry of Industry and Trade, the Ministry of Agriculture and Rural Development, and the Ministry of Natural Resources and Environment in intensifying monitoring practices for illegal wildlife trade and strictly penalizing any illegal sales, trade, advertising, or consumption of rhino horn or ivory products in the domestic market. The Ministry of Public Security shall team up with specialized forces, such as environmental police and anti-smuggling police, to combat illegal timber and wildlife trade.
- The Ministry of Public Security has also issued Plan No. 222/KH-BCA-C4I on strengthening forest protection, preventing deforestation, and preventing the obstruction of officers and Plan No. 215/KH-BCA-C4I on ending transnational illegal wildlife trade. The Ministry of Public Security has worked to combat illegal wildlife trade and encouraged police to participate with international entities, including Interpol and wildlife protection organizations, to check wildlife trade intelligence and information.
- The Ministry of Agriculture and Rural Development was directed to task the CITES Management Authority to collaborate with the Inter-ministerial Steering Committee on wildlife trade to foster greater cooperation on information-sharing, investigations, arrests, and the penalization of perpetrators, especially for crimes involving ivory and rhino horn. It shall liaise with the Ministry of Information and Communications on propaganda and education and the dissemination of laws protecting endangered species.
- The competent authorities involved in the investigation, prosecution, adjudication, and processing of administrative violations must scrutinize offenses related to the export and import, transportation, trading, processing and storage, advertising, and consumption of illegal wildlife and wildlife products (especially ivory, rhino horn, and tiger specimens), urgently settle pending cases, and publicize the results.
- Relevant ministries, authorities, and People's Committees of provinces and municipalities are required to submit regular progress reports on the implementation of Directive 03/CT-TTg to the Ministry of Agriculture and Rural Development before October 31st of each year for final submission to the Prime Minister. They shall promptly notify the CITES Management Authority of Vietnam about cases involving CITES-listed species, along with results from any settlements. They are also directed to hand over confiscated wildlife listed on CITES Appendix I for international inspection, storage, and exchange with other member countries and the CITES Secretariat per CITES regulations.

4. WILDLIFE CRIME IN VIETNAM

Illegal wildlife trade persists in Vietnam due to the high profits involved and the country's favorable location as a gateway to other consumption markets. Common illegally traded wildlife species and products include snakes, turtles, pangolins, ivory, tiger bones, and rhino horns.

Trafficking methods are becoming more sophisticated and organized, with criminal operations spanning across borders. Vietnamese nationals collude with overseas entities and individuals to form far-reaching trafficking routes. Illegal wildlife products are transported into Vietnam in a variety of ways, including by land, sea, and air. In some cases, state officials take advantage of business trips to Africa and South America to bring illicit goods back to Vietnam.

Criminals sometimes transport illegal wildlife products by plane to recipients in Vietnam. Other methods include temporarily importing illegal wildlife products for re-export, mixing illegal wildlife items with items of different species, transporting illegal wildlife products in refrigerated trucks with other legal goods, and concealing items such as rhino horns and ivory in gift boxes and coercing students and tourists into carrying them to Vietnam. Another trick is concealing ivory with layers of foil and then stuffing it inside other goods, such as artificial stones or hollow trunks.

5. CASE STATISTICS

Many agencies are engaged in the prevention and processing of wildlife crime in Vietnam. The four agencies most responsible are the police authority, Forest Protection Department, customs, and border guards. From January 2013 to December 2017, law enforcement agencies processed 1,504 cases of illegal wildlife poaching, transportation, trading, breeding, or possession (361 criminal cases and 1,143 administrative violations) involving a total of 1,461 criminals. The Forest Protection Department processed 814 cases (54.1%), while police processed 595 cases (39.6%). The remaining cases were handled by other forces, such as customs and border guards (6.3%).

From 2014 to October 2018, the Environmental Police processed 977 wildlife-related violations involving 1,029 individuals. The police prosecuted 189 cases involving 235 defendants. Three hundred and thirty of the cases resulted in fines, which totaled VND3.85 billion (USD163,000). Environmental police referred 458 cases to other agencies.

From January 2018 to June 2020, the Forest Protection Department processed 15,584 violations of the Forestry Law. In the first six months of 2020 alone, there were 5,545 cases, including 73 violations of forest animal protection regulations.

II. CONSERVATION POLICIES OF SELECTED NATIONS

I. CHINA: LEGAL TOOLS AND BEHAVIOR CHANGE COMMUNICATIONS

Three factors are needed to form a successful strategy to counter wildlife crime: behavior change communication, clear legislation, and effective enforcement. Each of these factors plays a different role, but all are necessary.

BEHAVIOR CHANGE COMMUNICATION

In general, behavior change communication refers to campaigns that are aimed at a specific target group—a segment of society whose behavior needs to change. Behavior change communications are people-centered and are normally tested and adjusted on a frequent basis to increase the likelihood of success in practice. Research shows that behavior change communication is more effective than awareness raising in changing human behavior.

CHINA'S WILDLIFE PROTECTION LAW

China's Wildlife Protection Law was enacted in 1988, amended in 2016, and officially came into effect in 2017. The law contains comprehensive provisions, but there are overlaps and unclear delineation of responsibilities among different government agencies. Wildlife management follows a hierarchical structure; however, at the central level, investment is still not adequate.

The lack of clarity in the legislation can easily lead to intentional or unintentional violations, making it difficult to enforce. China's law does not have a long-term support mechanism, resulting in a shortage of resources and poor enforcement. Gaps remain, enabling wildlife traffickers to circumvent the law.

The main provisions of this law focus on the purchase, sale, and use of wildlife as a natural resource rather than for ecological balance, which may undermine its implementation and enforcement. Trade in protected species is still permitted for scientific research, with propagation allowed under captive farming for exhibition and performance, to conserve heritage, and for other purposes, excluding illegal wildlife trade. Ownership of illegal wildlife products is not considered illegal. There are also provisions that allow for the auction of confiscated illegal wildlife products.

KEY 2016 AMENDMENTS TO CHINA'S WILDLIFE PROTECTION LAW

- Publishing of advertisements for the sale, purchase, or use of illegal wildlife or wildlife products is prohibited. Trading sites and platforms that provide services for the illegal sale, purchase, or usage of wildlife or wildlife products are also prohibited.
- Officers who do not investigate or publish the names of criminals upon discovering or receiving a report of illegal trade of wildlife or abuse shall be given demerits, demotion, or dismissal, and their supervisors shall resign.

SUPPORTING LEGAL FRAMEWORK

Cybersecurity Law: Network operators require user identity information when they provide services to the user, including network access, domain name registration, landline and mobile numbers, and instant messaging details.

Postal Law: Postal companies must check the content of packages before sending them. If the sender refuses to comply with inspection, the postal company shall not accept the package. The names, addresses, and phone numbers of the sender and the receiver must be provided, and the content of the package must be clearly indicated. The courier company should check and verify the sender's personal information.

Criminal Law: Article 341 of this law stipulates penalties for hunting, trading, and transporting endangered, precious, or rare wildlife or wildlife products: less than five years imprisonment for less serious offenses, five to 10 years for serious offenses, and more than 10 years imprisonment and confiscation of assets for extremely serious offenses.

The severity of the offense is determined by the value of the goods. Serious cases are valued at CNY100,000 (around USD14,700) and above. There is no minimum penalty for wildlife trafficking.

“Endangered, precious, and rare animals” include wild and domesticated species listed in CITES Appendices I and II.

Ivory trade ban: On December 29, 2016, the Chinese government issued Notice No.103 prohibiting domestic processing and sale of ivory and ivory products.

Ban on trade and consumption of wild animals: On February 4, 2020, the Standing Committee of the 13th National People's Congress of China issued a comprehensive and indefinite ban on illegal wildlife trade, wildlife markets, and the consumption of wild animal meat. According to a survey conducted in March 2020 featuring 5,000 respondents from Hong Kong, Japan, Myanmar, Thailand, and Vietnam, 93% supported government action to close markets that sell illegal or unregulated wildlife.

2. EXPERIENCES FROM AUSTRALIA IN WILDLIFE TRADE MANAGEMENT

POLICY AND LEGAL REGULATIONS

The Environment Protection and Biodiversity Conservation (EPBC) Act 1999

Objectives for managing international wildlife trade:

- To ensure that Australia complies with its obligations under CITES and the Biodiversity Convention (CBD);
- To protect wildlife that may be adversely affected by trade;
- To promote the conservation of biodiversity in Australia and other countries;
- To ensure that any commercial utilization of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;
- To promote the humane treatment of wildlife;
- To ensure ethical conduct during any research associated with the utilization of wildlife;
- To ensure that the precautionary principle is taken into account in making decisions relating to the utilization of wildlife; and
- To ensure that all of the above objectives are met, the act includes specific provisions on conservation of native wildlife in Australia.

REQUIREMENTS FOR A LARGE-SCALE WILDLIFE MANAGEMENT PLAN

In order to export Australian native animal or plant specimens and/or CITES-listed specimens for commercial purposes, the specimens must come from an approved program such as those covered under a wildlife trade management plan.

Wildlife trade management plans generally cover large-scale production systems and are developed by the state or territory government agency (equivalent to the provincial government level in Vietnam) responsible for managing the species. Wildlife trade management plans may be approved for up to five years.

Wildlife trade management plans are made and amended under approval from the Australian Government Minister for the Environment and published on the Federal Register of Legislation.

SALTWATER CROCODILE MANAGEMENT PLAN

The saltwater crocodile management plan primarily involves egg collection from wild crocodile nests to then be grown out or ranched (“source code R”), but also includes elements of wild harvest of live specimens (“source code W”), and captive bred (“source code C”) production systems.

There is a quota and a regulatory system set by the states and local governments, while export licenses are issued by the federal government. Partly processed skins are exported to high-end tanning markets, and meat and other by-products are also used. Management plans are set at five-year intervals and include inventory management.

The economic value of the crocodile-consuming industry is about USD75 million, including the participation of local and indigenous people in the northern provinces. The egg harvest alone yields more than USD500,000 a year for indigenous communities. Consultative management led to the recovery of the species.

REQUIREMENTS FOR A SMALLER-SCALE WILDLIFE MANAGEMENT PLAN

There are many different wildlife trade management operations. These include market-testing operations, small-scale operations, developmental operations, commercial fisheries, provisional operations, or existing stocks operations. The approved management plan is implemented for a maximum of three years.

Wildlife management plans are implemented and revised under the permission of the Minister of the Australian Department of the Environment and published on the Federal Register of Legislation.

REQUIREMENTS FOR COMMERCIAL FISHING (EXPORT)

An independent assessment of the export and management of fisheries is required, to ensure that fisheries species are harvested in a sustainable manner over time.

The assessments are conducted against the 2nd edition of the Guidelines for the Ecologically Sustainable Management of Fisheries. The Guidelines outline specific principles and objectives designed to ensure a strategic and transparent evaluation of the ecological sustainability of fishery management arrangements.

The assessment process is designed to incorporate a flow of communication between fishery managers and the Sustainable Fisheries Section, in order to facilitate the best outcome for the fishery. Each fishery is unique, and assessment is based on the merits of the combination of management measures in place and fishery-specific issues.

In CITES terminology, these sustainability assessments are the equivalent of a non-detriment finding.

BAN AND PENALTIES

A legislated ban on live exports of mammals, birds, reptiles, and amphibians is in place, which also means that production systems are kept in Australia, to ensure the country has control of biological resources, maintains the domestic economic benefits, and keeps high standards of animal welfare for Australia's iconic fauna.

Australia is among countries that have the highest penalties for wildlife trafficking: up to 10 years imprisonment and a AUD210,000 (around VND3.5 billion or USD150,000) fine for individuals and AUD1,050,000 (around VND17.5 billion or USD750,000) for legal entities.

Important points:

- The role of the state and local government(s) is defined explicitly in the development of the wildlife management plan, which is approved only by the federal government. Exports are reviewed by competent federal authorities.
- The wildlife management plan includes sustainability assessments and is compatible with CITES regulations. It allows for improved management steps during implementation, which is often three to five years (with a maximum of five years), depending on category.
- Australia does not allow the export of live individuals to secure genetic resources and value-added benefits in-country.
- Severe penalties for violations serve as a deterrent.

- The conservation of biodiversity consisting of ecosystems and wildlife populations is maintained in parallel with economic development (including ecotourism) and specified in the management plans (including permission for exports).
- Economic development supports local communities, generating revenue for local governments and the national economy.
- Clear policies and procedures enable Australia to cooperate with trading partners and the international community.

3. WILDLIFE PROTECTION LEGISLATION IN OTHER ASEAN COUNTRIES AND THE REGION

As the world has become more aware of threats posed to wildlife by habitat degradation, pollution, overhunting, and climate change, governments have enacted legislation to protect wild species and the environment.

BRUNEI

Brunei became a CITES signatory in 1990. The country enforces CITES regulations through the following legislation: The Wildlife Protection Act, Chapter 102; the Wild Fauna and Flora Order, 2007; Customs Act, 2006; Fisheries Act, 2009; and the Forestry Act, Chapter 46.

The 2007 Flora and Fauna Order of Brunei supports CITES implementation by ensuring that the basic requirements of the convention are fulfilled. The law criminalizes wildlife trafficking and sets out the appointment of scientific and regulatory authorities along with their mandates, including those in the licensing process. The law provides for all CITES-listed species, gives full authority to law enforcement bodies, and penalizes illegal possession of wildlife products.

INDIA

The Wildlife Protection Act 1972 (latest amendment in 2006) prohibits the hunting and harvesting of protected species as well as trade in wildlife products, and regulates wildlife habitat protection and management. The act also established national parks, wildlife sanctuaries, conservation reserves, and community reserves. Commercial harvest of forest products in national parks and wildlife sanctuaries is not permitted, although local residents can collect forest products for essential purposes.

Wild mammals, birds, amphibians, reptiles, fish, crustaceans, insects, and coelenterates listed in the act must not be hunted in or outside of the sanctuaries. The act also prohibits the destruction of habitats or the repulsion of wildlife by any means, except for improvements to management determined by the state governments in consultation with the National Board for Wildlife.

The penalty for illegal hunting is three to seven years imprisonment with a fine of not less than 10,000 rupees (approximately VND3million or USD 130). The Act also provides guidelines for the investigation and prosecution of offenses in court by forestry authorities and the police.

Amendments in 2006 established a National Tiger Conservation Authority, a Wildlife Crime Control Bureau, and additional tiger reserves.

INDONESIA

Indonesia is rich in biodiversity, but animal and plant populations are in decline due to its development. To mitigate this, it passed Conservation Law (Law No. 5, 1990) on biodiversity and ecosystem

conservation. The law primarily regulates conservation rather than providing a legal corridor to protect wildlife and their habitats.

MALAYSIA

Malaysia has a law protecting captive animals and imposes strict penalties on unlicensed hunting and harming animals.

MYANMAR

Myanmar is a party to CITES; however, regulations are not consistently enforced and illegal trade in wildlife products is still common.

THE PHILIPPINES

Wildlife protection legislation in the Philippines includes provisions for the physical and psychological health of all terrestrial and aquatic animals. The laws state that habitat destruction is a form of cruelty to animals and it is illegal for anyone to abuse, mistreat, or kill wildlife.

THAILAND

Thailand's parliament has passed an act against the torture of wildlife as well as animals used in agriculture. The country has been criticized for allowing animals to be abused for the tourism industry. There are currently 3,800 elephants kept in captivity in Thailand.

ASEAN

In 2005, the ASEAN member states launched the ASEAN Wildlife Enforcement Network (ASEAN-WEN), which includes representatives from CITES, police, customs, rangers, and Interpol, aiming to enhance intra-ASEAN cooperation in combating illegal wildlife trade.

Each ASEAN country is a signatory to at least one regional agreement related to the conservation of marine wildlife. Not all of these agreements are legally binding; however, they demonstrate a political commitment to marine conservation and some countries provide specific guidance on national and regional conservation measures. One example is the Indian Ocean Southeast Asian (IOSEA) Marine Turtle MoU signed by Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, Thailand, and Vietnam.

The IOSEA MoU sets out the following objectives: (i) Reduce direct and indirect causes of marine turtle mortality; (ii) Protect, conserve and rehabilitate marine turtle habitats; (iii) Improve understanding of marine turtle ecology and populations through research, monitoring, and information exchange; (iv) Improve public awareness of the threats to marine turtles and their habitats, and enhance public participation in conservation activities; (v) Enhance national, regional and international cooperation; (vi) Promote implementation of the MoU, including the Conservation and Management Plan.

III. IMPLICATIONS FOR VIETNAM

Wildlife protection legislation should:

- Focus on protecting ecosystems in general and wildlife in particular;
- Clearly define the responsibilities of relevant authorities, ensure consistency, and reduce overlaps in relevant legal provisions;

- Update and amend policy based on wildlife trafficking trends and social practices; and
- Refine regulations, ensuring coherence to eliminate loopholes.

The government and law enforcement should:

- Invest in and adequately arrange for staffing and other resources for the functional forces to perform their wildlife protection work;
- Regularly organize capacity-building training (including species identification, equipment, CITES, detecting and processing violations, etc.) for cadres and civil servants responsible for performing wildlife protection tasks;
- Assign responsibilities among state agencies clearly and specifically;
- Facilitate close coordination among these agencies;
- Communicate with, mobilize, and engage the private sector, especially in combating online wildlife trafficking (social media and e-commerce companies, etc.); and
- Establish and maintain cross-border partnerships for information sharing, particularly with countries with endangered wildlife, to detect and prevent the trade and transportation of wildlife and illegal wildlife products.

Communications campaigns should:

- Clearly specify the target audience for improved effectiveness;
- Strengthen partnerships with public and private sectors to foster social advocacy;
- Leverage innovative communication channels.

CONCLUSION

Vietnam has been effective in combating COVID-19, a deadly zoonotic virus which many scientists believe was passed from bats to humans through an intermediary animal, such as a pangolin.

Vietnam ranks 16th in the world in terms of biodiversity, but the decline in native species such as tigers, leopards, bears, and pangolins is alarming, and solutions to preserve and restore ecosystems are needed urgently. It is necessary to both counter illegal trade and promote biodiversity conservation.

Vietnam's compliance with international regulations such as CITES, the Vietnam-EU Trade Agreement, and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership strengthens the country's reputation and contributes to legal and sustainable commercial practices. Compliance with international regulations helps maintain Vietnam's lists of exports that involve CITES species (such as macaques, crocodiles, pythons, and agarwood), counter illegal fishing, as well as help maintain the country's timber trade. In holding the chairmanship of ASEAN 2020, Vietnam has the opportunity to demonstrate its leadership in the region through policy reforms, the implementation of effective wildlife management solutions, and measures to protect its citizens from zoonotic diseases.