



# FOREST LAW ENFORCEMENT AND WILDLIFE MANAGEMENT STATUS SURVEY IN PHONG NHA – KE BANG REGION AND QUANG BINH PROVINCE

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The People's Committee of Quang Binh  
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# CHAPTER 1: FOREST LAW ENFORCEMENT IN THE PHONG NHA - KE BANG REGION, QUANG BINH PROVINCE: A REVIEW OF LEGAL AND INSTITUTIONAL FRAMEWORKS AND FOREST CRIME INFORMATION MANAGEMENT

## INTRODUCTION

Phong Nha – Ke Bang National Park (PNKB NP) is a critically important location for biodiversity conservation for Viet Nam, and the world. It forms part of the Greater Annamites Ecoregion (Baltzer *et al.* 2001), is listed as an Important Bird Area (Tordoff *et al.* 2003) and combined with the adjacent Hin Nammo Protected Area in Lao PDR forms one of the largest continuous limestone areas in South East Asia (Meijboom & Ho Thi Ngoc Lanh 2002). In 2003 PNKB NP was also recognized as a UNESCO World Heritage Site under Criteria *viii* as it displays an impressive amount of evidence of earth's history and is a site of very great importance for increasing human understanding of the geologic, geomorphic and geo-chronological history of the region.

The Nature Conservation & Sustainable Natural Resource Management in Phong Nha - Ke Bang Region Project (herein referred to as 'The Project') aims to improve the management of Phong Nha – Ke Bang National Park, and 225,000 ha of buffer zone consisting of 13 adjacent communes in the three districts of Bo Trach, Minh Hoa, and Quang Ninh and reduce the pressure on its natural resources. The Project was formed through a co-operation between Quang Binh People's Committee and Germany, with funds coming from the German development bank (KfW) and GIZ.

The Provincial Project Management Unit (PPMU) has recognized that without adequate law enforcement on forest protection and wildlife management in and around the national park and across the Province, project investments in biodiversity conservation and protected area management will be fundamentally ineffective (ToR PNKB KfW-060-vs05). This has been further noted during the Mid-Term Review Mission in May 2012, where KfW and the Provincial People's Committee agreed that *"law enforcement is a key activity of park management"* and that the *"findings of the 2006 project appraisal mission still prevail: Law enforcement in and around PNKB is seriously hampered (...)"*.

In February 2013, the PPMU commissioned WCS to provide the Quang Binh provincial authorities and KfW with a *"comprehensive status report of the current forest law enforcement efforts and forest crimes/violations in the Project Region, with recommendations to strengthen forest protection law enforcement and wildlife management in the Province, halt or at least curb forest crime/violations, and with a practical action plan for Provincial authorities to address the most pressing matters in 2012"* (ToR PNKB KfW-060-vs05).

From March-June 2013, WCS has collected a wide range of information to meet the goals of this assignment. Our team consulted existing legislative and institutional reviews relating to forest protection at a national level and held discussions with relevant ministries (e.g. MARD, MoNRE, MPS, MoF) and central-level departments (FPD, Environmental Police, Anti-smuggling unit Customs, Biodiversity Conservation Agency). This national-level information was then supplemented with information derived from interviews in Quang Binh and extraction of data on

violations from a provincial, district<sup>1</sup>) and National Park level with all relevant agencies including FPD, Police (Economic Agriculture unit, Environment, Traffic), Customs, Border security, Market Control, Quarantine, and Procuracy. Here we present the findings from these methods.

## **SECTION 1: LEGAL FRAMEWORK FOR FOREST LAW ENFORCEMENT**

Understanding Vietnam's legal framework for forest law enforcement is aided by an appreciation to the hierarchy of legal documents that starts with the national policies of the Communist Party. The Policies of the Communist Party are envisioned in a series of Resolutions and Decisions. The National Assembly then translates these into State Laws. The Prime Minister then issues Decrees and Resolutions to provide the detail required to implement these State Laws. Ministerial Circulars, Decisions, and Directives then provide the measures of organization and operation for the line-ministries and departments to implement the Prime Minister's Decrees and Resolutions. Finally, at a Provincial-level, Decisions and Directives are issued to guide local implementation of the above legal documents. In the context of forest law enforcement this becomes relatively complex because overall there is guidance from a number of State laws issued by the National Assembly as follows.

- *The Forest Protection and Development Law (2004)*

This provides the main guidance on management and protection of forests, covering a wide range of issues including ownership/leasing and categorization (i.e. production, protection and special-use) of forests, broad policy on management of wild animal and plant species and specification to what constitutes a violation relating to forest management and includes: illegal logging; illegal destruction of forest; illegal encroachment on forestland; illegal transport of forest products; breaking forest fire prevention and pest regulations; and illegally hunting, shooting, trapping, catching, raising, keeping, killing, buying, selling, storing, processing, trading, or transporting wild animals.

The Prime Minister has issued a number of Decrees to aid overall implementation of this law (e.g. Decree 23/2006/ND-CP). This includes providing legal protection to 'rare and precious' species by restricting or prohibiting exploitation and use for commercial purposes (Decree 32/2006/ND-CP); and regulating import, export, re-export, commercial breeding/rearing/propagation of wildlife in line with Viet Nam's obligations as a Party to the Convention on International Trade in Endangered Species (CITES) (Decree 82/2006/ND-CP).

The Ministry of Agriculture & Rural Development have also issued a number of circulars to provide greater guidance on implementation of the above Decrees and other issues such as the exploitation of common species (Circular 47/2012/TT-BNN), legal transport of forest products (Circular 01/2012/TT-BNN), lists of species managed by CITES (Circular No.59/2010/TT-BNNPTNT), and how to deal with seized forest products (Circular 90/2008/TT-BNN).

Since 2009, Quang Binh People's Committee has issued three Provincial Directives related to this Law. The first aimed at strengthening protection of forests from forest fires and destruction through local awareness raising, strengthened inter-agency monitoring and enforcement (Directive 06/2009/CT-UBND). The second was in response to Official Correspondence 2012/BNN-TY from MARD and directed the relevant agencies to heighten monitoring and dealing with illegal trade and transport of wildlife and wildlife products specifically addressing the illegal import from Lao, wildlife traders, illegal wildlife collection points, and directing agencies to

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<sup>1</sup> Bo Trach and Minh Hoa

strictly not approve and certify shipments/imports of wildlife if they are unsure of the origin (Official Correspondence 820/CT-KTN). Finally, in response to Directive 3837/2012/CT-BNN-TCLN from MARD the province issued Directive 28/CT-CT(November 2012) on strengthening management of wildlife farming, trading and use of wildlife in the province which directed DARD to raise awareness of laws, cooperate with Police to check all wildlife farms. This further directed the Police to lead alongside FPD and Market Control checking, preventing, detecting and dealing with violations relating to hunting, catching, buying, selling, transporting raising, killing, trading, storing, exporting, importing, re-exporting protected species. The People's Committees at all levels were directed to ensure that illegal wildlife trading is combated across the province and that all cases are dealt with strictly. The Directive ended by directing DARD to report back on progress to the People's Committee, although no specific deadline was provided.

- *The Biodiversity Law (2008)*

This law is the root cause to much of the debate surrounding conflicting mandates and responsibilities in the field of wildlife/biodiversity conservation as it increases the role of MoNRE, overlapping in a number of areas with the existing role of MARD. This law specifies what constitutes a violation against biodiversity and includes the following of relevance to forest law enforcement: Hunting, fishing and exploiting wild species in strictly protected sections of conservation areas; encroaching upon land, building structures or houses, destroying landscape, illegally living and polluting the environment, deteriorating ecosystems and rearing or planting invasive alien species in conservation areas; hunting, fishing, exploiting body parts of, illegally killing, consuming, transporting, rearing/growing, 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. Furthermore this law provides guidance on the management and exploitation of rare and endangered species.

The Prime Minister issued Decree 65/2010/ND-CP to guide implementation of this law and a number of other key laws are pending approval including law similar to Decree 32/2006/ND-CP on the management and Protection of Endangered, Precious, Rare and Prioritized Species.

- *Environmental Protection Law (2005)*

This law prohibits all activities that destroy or damage forests and specifies the requirement for environmental assessments on all projects (including forestry ones) that could impact on forests. The Prime Minister issued Decree 80/2006/ND-CP and later Decree 21/2008/ND-CP to guide implementation of this law.

- *Fisheries Law (2003)*

This law bans exploitation of certain species in certain seasons and of certain sizes, and in certain areas and is supported by a Prime Minister's Decrees on the management of fishery operations (Decree 32/2010/ND-CP and Decree 33/2012/ND-CP)

- *The Penal Code (2009)*

The Penal Code defines crimes and sets fine levels and prison/non-custodial sentence levels. It identifies five specific forest crimes: (i) Article 175, Breaching regulations on forest exploitation and protection (including illegally exploiting forest trees or committing other acts violating the State's regulations on forest exploitation and protection; illegally transporting and/or trading in timber); (ii) Article 176, Breaching regulations on forest management (including illegally assigning forests and/or forest land or recovering forests and/or forest land; illegally permitting the transfer of the use purposes of forests and/or forest land; and illegally permitting the exploitation and/or transportation of forest products); (iii) Article 189, Destroying forests (Those who illegally burn or destroy forests or commit other acts of forest destruction); (iv) Article 190,

Breaching regulations on the protection of precious and rare wild animals (Those who illegally hunt, catch, kill, transport and/or trade in precious and rare wild animals which are banned from under Government regulations or illegally transport and/or trade in the products made of such animals; use banned hunting/catching tools or means; or hunting/catching in prohibited areas or during prohibited times); (v) Article 191, Breaching the special- protection regime for nature preservation areas (Those who breach the regime of using and exploiting nature preservation areas, national gardens, natural relics or other natural areas put under the special protection by the State, have already been administratively sanctioned for such acts but still commit them and cause serious consequences).

Furthermore, there are additional crimes in the penal code that have relevance for forest law enforcement including money laundering (Article 251), amending/falsifying official documents/certificates and papers issued by state agencies (Article 266, 267), concealing forest law offenses (by law enforcement personnel) (Article 313), and offering and receiving bribes (Article 279, 289). A joint-ministry circular (19/2007/TTL) provides greater clarification to interpreting the seriousness of the different forest crimes to support sentencing. This will be revised over the coming 12 months.

- *The Administrative Punishment Ordinance (2008)*

It sets levels of administrative fines and additional measures (e.g. revoking business licenses, employment termination) relating to violations judged to be of an administrative level. The Prime Minister's has issued three Decrees to provide greater detail on calculation of fine levels for different violations on forest protection and management (Decree 99/2009/ND-CP), fisheries (Decree 31/2010/ND-CP), Environmental Protection (Decree 117/2009/ND-CP). Both Decree 99 and 117 are under revision in 2013, whilst a draft decree for Biodiversity is under development in June 2013.

### **Interpreting Vietnam's legal framework for forest law enforcement in the context of the Phong Nha Ke Bang region, Quang Binh province**

- *Wild plant and animal species are protected at the source from exploitation*

Viet Nam's forests are classified into three main types: Special-use (i.e. PNKB NP); Protection (Headwater, wind and sand shielding, breakwater, sea encroachment and environment protection); and Production (e.g. Truong Son SFE) under Decision 186/2006/QD-TTg. Hunting, trapping, catching and collecting of any kind is prohibited in special-use forests. Hunting/collection for species listed in Decree 32/2006/ND-CP is prohibited in protection and production forests. Exploitation of species not listed in Decree 32/2006/ND-CP is permitted *if* in accordance with MARD regulations (Circular 47/2012/TT-BNNPTNT).

- *Trade restrictions for species bred on registered commercial wildlife farms are less strict. This relaxed regulation on animals originating from commercial wildlife farms relies heavily upon the strict control and monitoring of the commercial wildlife farms to ensure the legal origin of the farm stock*

All farms commercially breeding wildlife are required to register with the government (Decree 32 Group I or those on CITES Appendix I require approval from the CITES Management Authority in MARD). The Farm owner must demonstrate to the government the following criteria: The legal origin of their founder stock, the ability of the species they intend to farm to be able to breed in captivity, that the commercial farming will not harm the conservation of wild populations, that their cages are appropriately designed, and that hygiene and safety conditions for humans and the environment are maintained. If a commercial wildlife farm cannot demonstrate these they should not be registered and would be considered to be operating

illegally until they meet the registration requirements. Furthermore, all captive-bred animals and their products sold from farms must be accompanied by a certificate of origin. If there is no certificate of origin and the origin cannot be determined, then allegedly captive-bred animals and their products are considered illegal.

- *Transportation of all forest products (incl. Wildlife and Timber) requires approval from FPD*  
Circular 01/2012/TT-BNNPTNT stipulates that when transporting forest products, they must be accompanied by an inventory and proof of legal origin approved by the FPD.

- *The buying, selling, killing, processing and storing of wildlife (including their parts and products) is regulated by the species protection status and through registration of business establishments.*

Buying, selling, killing, processing, and storing wild-caught Decree 32-listed species is prohibited. However, by exception it is possible to buy, sell, kill, process and store wild-caught, Decree 32-listed species if they have been legally purchased from an FPD-auction of seized animals. However, this is only applicable to those with wild animal trading licences (which do not exist), if they have a logbook for recording stock flow, and they would require a VAT sales invoice and transport permit.

Wild-caught species NOT listed in Decree 32 are permitted to be bought, sold, killed, processed, and stored but only if the trader/retailer has proof of legal origin, plus a logbook for recording stock flow, and a wild animal trading licence (which do not exist).

Captive-bred species (Protected or unprotected) are permitted to be bought, sold, killed, processed, and stored only if they are accompanied by a certificate of origin from a registered wildlife farm, and the trader/retailer must have a logbook for recording stock flow, and a wild animal trading licence.

### **Analysis of current legal framework in the context of the Phong Nha Ke Bang region, Quang Binh province**

- *Adequate but needs improvement to aid comprehension of enforcement agencies*

In general the legal system is adequate in terms of enforcement of forest crimes, as shown from the above interpretations. For example, a restaurant found buying, selling, killing, processing and storing protected wildlife that has no clear legal origin can be fined and have their business licence removed. Similarly a saw mill found trading/processing timber of unclear origin can be fined and have their business licence removed. Through interviews and engagement with law enforcement officers in this context however, it is clear that many lack an understanding of the legal framework resulting from the large number of legal documents issued, and a combination of both a low capacity to interpret legal documents and a lack of any effective training in new legal documents or higher-level overviews to the legal framework.

- *Greater focus on the supply-side than on the demand-side*

The current legal system is biased towards controlling supply sources with little regard to preventing crimes by addressing demand from retail and consumers of wildlife. For example, whilst the State Laws on Forest Protection and Development and Biodiversity both state 'Consumption' of protected wildlife as a crime, this has not been clarified in any Decrees or circulars from the Prime Minister or Ministries.

- *Laws on commercial wildlife farming disregard reality to follow the pro-farming policy*

Commercial farming of wildlife is being promoted by MARD as a supply-side solution to reducing illegal wildlife trade (based on the assumption that it will substitute wild off take) whilst

also supporting economic development and even alleviating poverty. Various studies have now shown this to be a flawed concept worldwide<sup>2</sup> and in Vietnam<sup>3</sup>. The current legal system sets criteria for farms to follow that are suitable and follow CITES decisions<sup>4</sup>. However, there is no mechanism of transparency or accountability for the decisions of the provincial FPDs to be reviewed or challenged – in many cases farms are being registered that fail to meet these criteria and are housing species that are notoriously difficult to breed in captivity, and impossible at a commercial scale. For example, there is a farm in Le Thuy district owned by Truong Thinh and Hoang Truong Tho (Thon 3, HTX Thanh Tan, Thanh Thuy commune) that has registered as breeding Pangolins, a Decree 32 IIB species, with a CITES Zero Quota. This is a species that is known to be notoriously difficult to keep and breed in captivity: a number of modern zoos around the world have invested thousands of dollars to develop techniques to keep and breed Pangolins in captivity and are failing. Therefore, it is highly unlikely this farm has achieved captive breeding, and does not proffer verifiable evidence of captive breeding. Furthermore, our local sources living around the farm were in consensus that there is no breeding on this farm and that it is simply a cover for trading wild animals.

## SECTION 2: INSTITUTIONAL FRAMEWORK

Recent years have seen an heightened effort to increase cooperation between government agencies involved in forestry at all levels in order to create improved enforcement of forestry laws and deter violators. Several key pieces of legislation issued by the central government enable cooperation mechanisms. This legislation seeks not only to establish processes that facilitate cooperation but also to oblige key agencies and governments to plan, carry out and report on cooperation activities. Since 2008, the extent of legislation in this area has increased significantly; in addition to a general call for cooperation from the Prime Minister in 2006, there are now specific guidelines for forestry planning and management as well as for coordinated enforcement effort between the Forest Protection Department and a broader range of agencies than had been included previously.

### Roles of Government agencies in forest protection

Several agencies or institutions are directly responsible for prevention of forest and wildlife law violations. Existing laws and regulations stipulate the roles and mandates for various agencies and persons in the field of forest protection as follows:

*Vietnam Administration of Forestry, Ministry of Agriculture and Rural Development (MARD)*

i) *The Forest Protection Department (FPD)* is the primary body responsible for enforcement of forestry regulations and is charged with monitoring all types of forests and carrying out initial investigations of forest violation cases. Upon detection of a wildlife trade case by other agencies, in most cases the FPD would be their first contact for assistance in species identification and handling of the seized wildlife. The provincial-level departments report directly to the relevant Provincial People's Committee (PPC), and the district and commune level units

<sup>2</sup>Bulte, E. H. & Damania, R. 2005. An economic assessment of wildlife farming and conservation. *Conservation Biology*. 19:1222-1233; Mockrin, M. H., Bennett, E. L. & LaBruna, D. T. 2005. Wildlife farming: a viable alternative to hunting in tropical forests? WCS working paper no. 23. New York

<sup>3</sup>WCS. 2008. Commercial wildlife farms in Vietnam: A problem or solution for conservation? Hanoi, Vietnam; Brooks, E.G.E., et al. 2010. The conservation impact of commercial wildlife farming of porcupines in Vietnam. *Biol. Conserv.*

<sup>4</sup>To be able to register and maintain their licence, a farm owner must demonstrate the ability of the species they intend to farm to be able to breed in captivity, that the commercial farming will not harm the conservation of wild populations, that their cages are appropriately designed, and that hygiene and safety conditions for humans and the environment are maintained, they must also prepare a certificate of origin to accompany every animal/product they sell.



are under the command of their respective provincial department. At the field level, there are two types of ranger teams: enforcement units based in stations that patrol designated forest areas under provincial and district command, and provincial mobile units that monitor across the province and carry out investigations.

*ii) The Forest Development Department and Forest Utilisation Department* are responsible for planning the management, development and exploitation of the nation's forests. This includes surveying, planning and monitoring forests and forest land use, appraising the five-year forest development plans, and submitting advice to the Minister on appropriate annual logging quotas. The department is engaged in approving the design and annual budget estimates for maintaining forest infrastructure (such as roads and fire barriers) under the 661 programme.

*iii) CITES Management Authority* is the office responsible for implementation of the Convention of International Trade in Endangered Species (to which Vietnam ascended in 1994), that includes administering the CITES permitting system, managing commercial wildlife farms. They serve as the focal point on wildlife trade and commercial wildlife farming issues for the Government that includes being the standing member of the Vietnam Wildlife Enforcement Network.

#### *Ministry of Public Security*

*(i) The General Department of Police* is responsible for investigating criminal violations when they are determined to be 'serious' under the Law on Forest Protection and Development. In these cases, police can apply criminal law, which carries higher penalties, including mandatory reform and imprisonment. Cases are routinely transferred to the police from other agencies who have limited criminal investigation powers in addition to cases being detected by sub-departments of police

*(ii) The Environmental Police (C49)* are a sub-department of the General Department of Police with duties related to the State Laws on Forest Protection and Development, Environmental Protection, and Biodiversity. They are organised into four divisions with a brigade under one of these divisions being responsible specifically for wildlife and forest violations. With authority similar to that of the General Department, this department is responsible for responding to tip-offs on forest violations that require immediate action, and can inspect the production records of commercial operations as well as shut down operations found to be engaging in forest violations.

Due to the environmental police being a relatively new department (formed in 2009), the laws and regulations concerning their mandates and operation are still limited and incomplete. One of many constraints includes their limited powers in the handling of administrative violations. For example, under the Ordinance for Handling Administrative Violations, there is no provision to allow environmental police officers to impose a fine against violators.

According to the revised Ordinance on Criminal Investigation Organizations dated February 27<sup>th</sup> 2009, the Environmental Police can undertake some investigative activities, such as initiating a prosecution of a criminal case, taking statements, collecting evidence, checking and seizing exhibits and/or documents related to the case and then referring the case to relevant investigators within seven days of initiating the prosecution. Therefore, in dealing with forest and wildlife crimes, the environmental police often cooperate with investigation police to undertake the initial investigation including: taking statements and evidence and applying urgent measures such as injunction orders, search warrants, seizure of exhibits and vehicles.

(iii) There are three other sub-departments of the police that have a role in controlling forest violations: Department of Economic and Position-Related Crimes Investigation Police (C15), who are responsible for investigating criminal malpractice by business enterprises; Marine Police, who assist in preventing the illegal import of goods through coastal borders and work directly with Customs; and Transport Police.

#### *Ministry of National Defence*

(i) *The Border Army* are responsible for maintaining Viet Nam's territorial sovereignty at land and sea borders and border gates. Their mandate is to control encroachment into Viet Nam and to prevent illegal border crossings, including when this involves the illegal exploitation of natural resources. Relying largely on their Surveillance Department, they have the power to undertake criminal investigation and handle administrative violations as well as to pursue perpetrators into Vietnamese territory.

#### *Ministry of Finance*

(i) *The General Department of Customs* and therein the Department of Anti-Smuggling is the primary body responsible for monitoring the import and export of goods through Viet Nam's 150 border gates. Customs officers also play an important role in forest and wildlife law enforcement, especially in controlling the import and export of wild species of flora and fauna. Customs officials at all levels are responsible for inspecting and supervising goods, commodities and vehicles, and for preventing and combating trafficking and illegal cross-border transportation<sup>5</sup>. To this end, a task-force is established at every level to conduct inspections and combat illegal cross-border trafficking of goods<sup>6</sup>. When the Market Control Force or other trade-regulating organizations detect a suspicious shipment, they can cooperate with the nearest Customs office to prevent illegal cross-border trade. Similarly, Customs officials are expected to cooperate with other agencies to prevent trafficking in their localities. Its jurisdiction is limited to the border checkpoints and it has limited capacity to use coercive force. Unlike the Forest Protection Department, however, it is able to undertake criminal investigations for minor cases.

#### *Ministry of Industry and Trade*

(i) *The Department of Market Control* is responsible for inspecting domestic markets, retailers and vendors and controlling trade violations. This includes controlling the sale of fake goods and monitoring for the sale of illegal wildlife and wildlife products, among other trade violations. Like the Forest Protection Department, this Force has limited enforcement powers and can only issue fines for violations under their jurisdiction.

*The Ministry of Justice* has the role to review drafts of legal normative documents and in the overall monitoring of law enforcement, including forest law enforcement. To fulfil these tasks, the Ministry horizontally cooperates with the Legal Departments of every ministry or government agency and vertically cooperates with the Justice Department of every province and/or city.

#### *The Government Inspectorate:*

Environmental Inspectors within this department are responsible for carrying out inspections to ensure compliance with environmental laws, including forest and wildlife regulations. Environmental inspectors are organized and operated in compliance with the Law on Inspection under the auspices of the Government Inspectorate. Detailed guidelines for the inspection of forest and wildlife law enforcement are non-existent, so inspectors act according to the Law on Inspection and other related laws or regulations.

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<sup>5</sup> See Article 11 of the Law on Custom Services

<sup>6</sup> See Article 63, Law on Custom Services

*Supreme People's Procuracy<sup>7</sup> and Local People's Procuracies* are the chief prosecuting body for the government of Viet Nam, and is comprised of the Provincial People's Procuracy from each provincial government. This body oversees the law enforcement of institutions and/or agencies involved in litigation, including the investigation of criminal cases, and can at times supervise the handling of civil and administrative cases. This body also oversees the execution of court decisions as well as the custody, management and re-education of sentenced persons. The Head of the Supreme People's Procuracy acts like Attorney General in other jurisdictions and is elected by the National Assembly. He must report to the National Assembly. The Local People's Procuracies are established parallel to the Local People's Courts at the provincial and district levels. Heads of local procuracies report to the Local People's Councils at the same level.

#### *Supreme People's Court and Local People's Courts*

The Supreme People's Court is the highest judicial organ of the Socialist Republic of Viet Nam. It supervises and directs the judicial work of the Local People's Court and Military Tribunals. It supervises and directs the judicial work of Special Tribunals and other tribunals, unless otherwise prescribed by the National Assembly at the establishment of such Tribunals. The Chief Justice of the Supreme People's Court reports to the National Assembly or, when the latter is not in session, to its Standing Committee, and to the State President. The Chief Judge of the local People's Court reports to the People's Council. The Supreme People's Court is comprised of a number of different courts, including civil, criminal, administrative, labour, economic, military and appeals courts. Provincial courts are similarly structured and report to the SPC, while the district courts do not have such separated specialisations.

#### *Provincial People's Committees*

Under the Committees, there are between three to five Vice Chairmen, depending on the nature of the province. In each province, one of these Vice Chairmen will be responsible for agriculture and rural development, irrigation, land and natural resource management and the environment. This Vice Chairman will be responsible for instructing and inspecting the implementation of forestry plans, including land-use planning, forest management and the farming of animals.

**Local People's Committees:** People's committees direct the cooperation of different agencies, organizations and institutions in their localities that prevent and combat trafficking and illegal cross-border transportation of goods (Article 64, Law on Customs). In this horizontal cooperation, all relevant government institutions, organizations and armed forces are responsible for collaborating and facilitating each other's efforts to prevent wildlife law violations.

### **The Legal Framework for Cooperation**

Each government body involved in controlling forest violations has distinct roles in preventing, detecting and suppressing violations. Furthermore, these bodies deal with different issues and challenges across their national and sub-national operations. Broadly, law enforcement cooperation usually consists of four key areas that includes:

- Coordinated planning to address specific violation issues or hotspots;
- Cooperation during a range of field-level activities, including joint patrols and enforcement operations and campaigns, and other general support such as species identification;
- Sharing of intelligence and information, either through informal channels or by providing others with information from another agency's records database;
- Assistance in the training of other agencies.

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<sup>7</sup> The Procuracy functions like the prosecutor's office or attorney general's office in some Western countries.

Laws and regulations stipulate the roles and mandates for the above agencies involved in forest protection and also how these agencies should cooperate. There are several key pieces of legislation issued by the central government to enable cooperation mechanisms seeking not only to establish processes that facilitate cooperation but also to clarify and oblige key agencies and governments to plan, carry out and report on cooperation activities.

Since 2008, the extent of legislation in this area has increased significantly; in addition to a general calls for cooperation from the Prime Minister, there are now specific guidelines for forestry planning and management as well as for coordinated enforcement effort between the Forest Protection Department and a broader range of agencies than had been included previously. The main pieces of legislation are as follows:

*Joint Resolution No. 15/NQLT/CP-TANDTC-VKSNDTC* dated March 31<sup>st</sup> 2010 on Regulations for Work Cooperation among the Government, The Supreme People's Court and the Supreme People's Procuracy. This Resolution defines principles for cooperation (Article 3), strategic planning and legal development (Articles 4 and 5), information sharing (Article 8), joint training (Article 9) and ensuring of conditions for cooperation (Article 11).

*Circular No. 03/2010/TT-BTP* dated March 3<sup>rd</sup>, 2010 by the Minister of Justice. This Circular guides the implementation of monitoring of law enforcement and implementation of laws. It defines the principles, contents, methods of monitoring and reporting system for functioning units at national and local levels. The departments of Justices and Legal Departments are core units to receive reports from different channels to analyse the situations and produce recommendations to the Government to cope with problems concerning policy, legislation, capacity, and resources.

*Directive No. 08/2006* is a general piece of legislation that emphasizes the Prime Minister's support for improved forest governance. The Directive also outlines the roles of several agencies in carrying out forestry management policies and overseeing law enforcement. It designates the Chairmen of People's Committees as the lead official in cooperation efforts with the Ministry of Agriculture and Rural Development, the Ministry of Public Security and the Ministry of National Defence. The officials' roles are to supervise forest management, the zoning of the three forest categories and land re-allocations, as well as to inspect the handling of illegally harvested timber and to respond to illegal forest destruction.<sup>8</sup>

*Joint Circular No. 144/2002* provides a framework for cooperation between the Forest Protection Department, Ministry of Public Security and Ministry of National Defence. In line with Directive 8/2006, it instructs these ministries to cooperate with each other and clarifies their different roles in enforcement. The Circular also stipulates that 6-monthly meetings should take place between these agencies within each province with subsequent reporting to their ministries and the People's Committee.

*Regulation No. 1188* issued in late 2008, this regulation explicitly extends the cooperation processes outlined in Joint Circular 144/2002 to include the Department of the Environmental Police under Ministry of Public Security. The main purpose of this document is to clarify the roles of the Forest Protection Department and the Environmental Police, explaining clearly that cooperation does not imply authority of one agency over another. Rather, they are to work supportively towards a common direction and that cooperation must be outlined in writing and

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<sup>8</sup> Notably, under Decree 8/2006, funding is directed from the central government only for supporting the implementation of the Decree itself, but no allocation is made for carrying out specific activities.

approved by the heads of each agency. Specific areas of cooperation are explicitly listed, and include joint inspections and investigations, sharing of violation records and providing physical protection and vehicular assistance. Notably, the need to emphasize legislatively that cooperation should be mutually supportive and non-hierarchical highlights the scepticism that officials have towards cooperation activities and the difficulties that national institutions face in adopting cooperation practices.

*Joint Circular No. 58/2008* guides the implementation of the 661 program, establishing the necessary cooperation procedures between Provincial People's Committees, the Ministry of Agriculture and Rural Development, the Ministry of Planning and Investment and the Ministry of Finance in relation to forestry planning and management. Within the bounds of Provincial People's Committee land use plans, these ministries coordinate the implementation and assessment of forest development and management plans. Ministry of Planning and Investment is designated as the lead agency and is responsible for coordinating the ministries and for drawing on their respective advice in forestry management and budgetary management.

Cooperation in forestry management is influential in determining how the government responds to the effectiveness of the 661 program, and in understanding whether forestry reforms are creating real incentives to reduce forest violations. Through cooperation, these ministries are able to assess whether benefits have been shared by forest owners and whether or not the number of recorded forest violations has fluctuated in response to these benefits. In practice, the Provincial People's Committee have a significant role in decision-making at this stage and are primarily responsible for determining how forest management plans and budget allocations are used to respond to the effectiveness of the programme's implementation.

*Decision No. 39/2009* recognises that commune- and district-level armed forces can play a role in monitoring forest violations, this decision outlines the involvement of the Civil Defence Force through cooperation with the Forest Protection Department. Unlike Joint Circular 144/2002, this document designates authority between the two agencies in various cooperation activities. Areas of cooperation include field-level activities, information sharing, training and public awareness. The Decision also delegates final authority to the Provincial People's Committee to approve budget allocations for spending on cooperation activities.

In each of these pieces of legislation, the Provincial People's Committee has a central role in overseeing cooperation through regular joint committee meetings and their decision-making power for the plans or agendas drawn up by other agencies. This is significant because it causes the effectiveness of the implementation of these laws to vary between provinces, mostly due to differences in political will within each Provincial People's Committee. It also means that at the national level, ministries are generally less empowered to drive the implementation of cooperation activities among their subordinate departments.

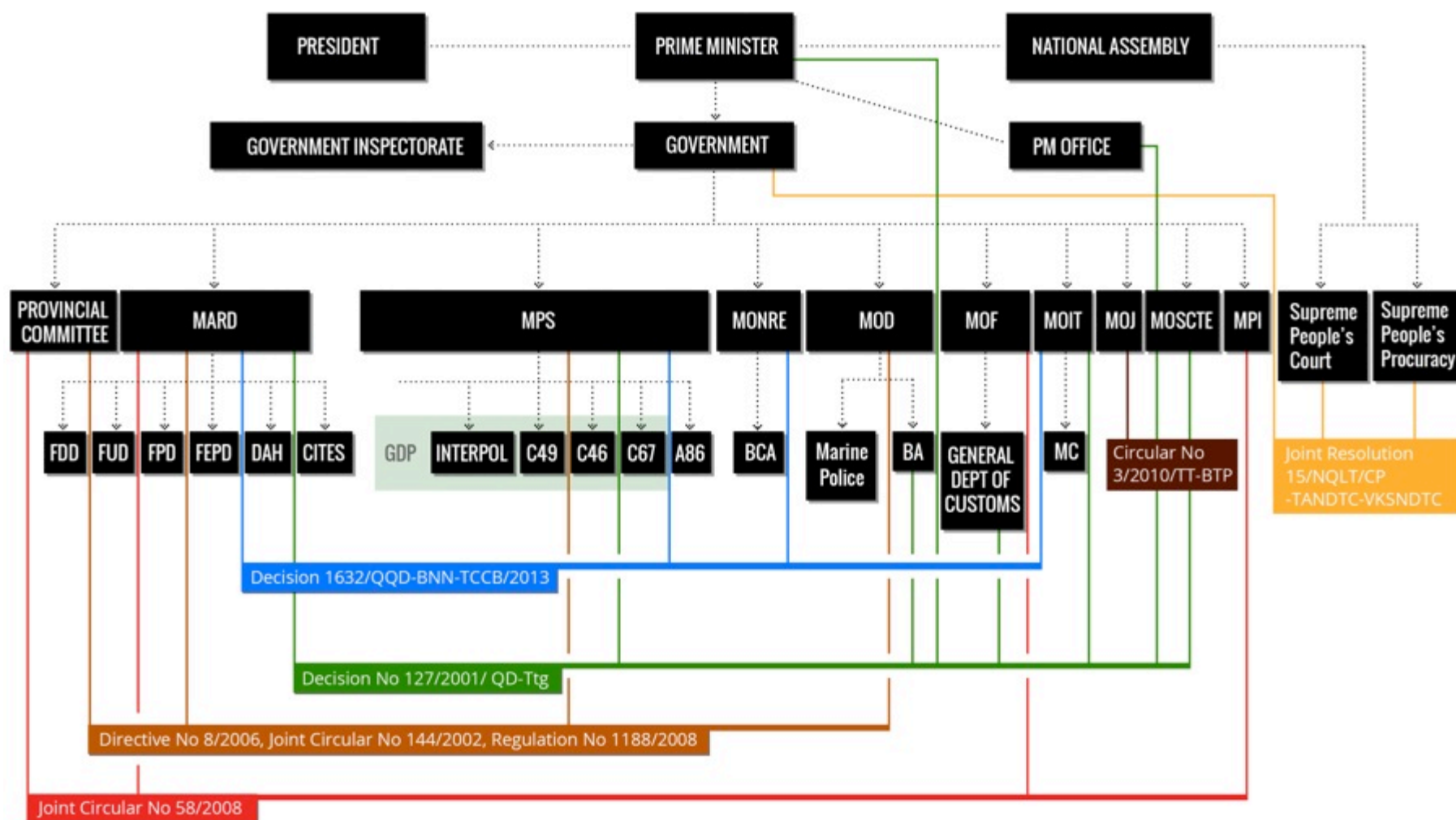
*Decision 127/2001/QĐ-TTg* is the legal document on the formation of Committee 127, a multi-agency Committee, chaired by the Prime Minister, charged with preventing smuggling, counterfeiting of goods and commercial fraud. It has representatives from ten Ministries on the Central Steering Committee, including Agriculture and Rural Development, Public Security, National Defence and Finance, and also has a standing body with representatives from 22 bodies across government. In this standing body, the Forest Protection Department is one of three representatives for the Ministry of Agriculture and Rural Development. At the national level, the Committee has the power to request ministries and provincial governments to: strengthen enforcement efforts; develop situation reports and operational plans; and propose new policies and preventative measures. It can also promulgate regulations on joint control



measures to prevent violations throughout the country. Subordinate committees have been established in 63 provinces and are chaired by the relevant People's Committee.

*Decision 1632/QĐ-BNN-TCCB (16<sup>th</sup> July 2013)* is the recently updated legal document on the mandates of the National Committee on Wildlife Trade Control (also referred to as The Vietnam Wildlife Enforcement Network to highlight alignment with the ASEAN Wildlife Enforcement Network) chaired by the Vice-Minister of MARD with representatives from all relevant law enforcement and regulatory agencies. This multi-agency committee is tasked with providing analysis, planning, prioritizing actions and facilitating operations and communications between ministries to address illegal wildlife trade in Vietnam.

*Legislation under development:* A number of legal documents are under development notably cooperative arrangements between FPD and Market Control and Customs.



#### REMARKS:

- MARD: Ministry of Agriculture and Rural Development
- MONRE: Ministry of Natural Resources and Environment
- MPS: Ministry of Public Security
- MOD: Ministry of Defense
- MOF: Ministry of Finance

- MOIT: Ministry of Industry and Trade
- MOJ: Ministry of Justice
- FPD: Forest Protection Department
- FDD: Forest Development Department
- FUD: Forest Utilisation Department

- FEPD: Fishery Exploitation Protection Department
- DAH: Department of Animal Health
- BCA: Biodiversity Conservation Agency
- BA: Border Army
- MC: Market Control

- ASP: Agriculture Security Police
- GDP: General Department of Police

## Quang Binh Provincial legislation

*Joint-decision No. 193 LN/KL- CA-QS-BDBP (July 22, 2003)* of the FPD, the Provincial Police, the Provincial Military Command, and the Provincial Border Guard Command on coordination relating to forest protection. This is a key decision and directs cooperation activities to focus on communication of laws, forest fire control and prevention, investigations and settling of forest violations, establishing activity plans for joint-agency units at the District and province for PC approval, and allocate budget for joint-agency unit operations. The decision specifically directs FPD at provincial and district levels to advise People's Committees at relevant levels to develop methods and plans for operations to eliminate illegal logging, hunting and trading and transport of timber and wildlife. The Provincial Police, Military, and Border Army are directed to direct their district departments to cooperate with FPD to develop and implement the above methods and plans and participate in the operations. The Provincial agencies are directed to meet two times per year (July and December) to develop and review implementation of activity plans. This decision lays out a protocol for cooperation whereby at local levels cooperation is guided by national legislation and in unexpected cases the district FPD should report to the district PC for assistance or to Provincial FPD who can request inter-agency support from the related departments in establishing a joint-agency unit for particularly complicated cases.

*Decision 2462/2010/QD-UBND* provides guidance on the formation of a provincial inter-agency law enforcement support group consisting of representatives from provincial and relevant district and commune People's Committee, department of planning and investment, department of agriculture and rural development, Police, PNKB National Park under the Framework of the PNKB Region Project. The group's main responsibility is to respond and coordinate between key agencies to prevent and minimise infringements of natural resources of the PNKB National Park including developing annual plans, coordinating joint-patrols and enforcement actions, sharing of information/intelligence, manage a hotline, raise public awareness, and support civil society compliance monitoring. The first law enforcement improvement plan for 2010 developed by this group was officially approved by the PPC (*Decision 2463/2010/QD-UBND*) and included 33 actions covering almost all aspects of law enforcement from strengthening capacity through training, performance incentive schemes, development of SOPs, patrol operational plans, updating inter-agency cooperation mechanisms and protocols, study tours to other provinces, directing local agencies to implement raids on retail establishments and wholesale traders selling wildlife, establishing an inter-agency mobile team, increasing road check-points, reviewing prosecution/judicial response, developing a communications campaign, establish a forest crime database, and a number more.

*The 2011 Cooperation Agreement between Customs, Border Army, and Police* in Quang Binh province was developed to replace the bi-lateral agreements that existed before. The agreement sets out areas of cooperation between the three agencies with a focus on sharing of information and criminal intelligence and also provision of staff, vehicles, and techniques to assist each other. The agreement then lists by each agency, protocols and responsibilities for cooperation activities. Each agency is assigned to identify a focal point for cooperation and develop more detailed plans as required.

*Cooperation Agreement 02/2011/QC-KLPNKB-KLBT-DBP* outlines cooperation between Phong Nha-Ke Bang National Park FPD, Bo Trach FPD and Border Army 591 in the Management and Protection of Phong Nha-Ke Bang National Park to prevent forest destruction, illegal transport, trade, rearing, and hunting of wildlife and in forest fire control and prevention. The agreement covers the following areas of mutual cooperation: Raising awareness of local communities, sharing information, joint-patrols and action against forest violators, forest fire fighting, settling

forest violations. The agreement lists out specific responsibilities for each agency and specifies sources of budget from existing allocated state budgets.

*Decision 494/2012/QD-SNN* promulgates the formation of a Law Enforcement Committee chaired by the Department of Agriculture and Rural Development (DARD) with the main purpose of advising DARD in the participation of activities of the PNKB Region Project and is the focal point for cooperation with the PMU to carry out activities related to law enforcement activities related to the protection and development of forests. The committee is housed in the Provincial FPD and staffed by Provincial FPD, and National Park FPD. Specific tasks include working with the PMU to develop an annual law enforcement activity plan and budget for the project's support; providing advise to DARD and the PMU on effective activities to reduce infringements of natural resources of the Phong Nha Ke Bang region and the province; and cooperating with PNKB NP on awareness-raising activities for local communities, and capacity building for PNKB FPD.

*Decision 16/2012/QD-UBND* outlines responsibilities and cooperative arrangements between Committee 127, Department of Industry and Trade (Market Control), Department of Finance, Department of Natural Resources and Environment, Department of Science and Technology, Department of Health, Department of Agriculture & Rural Development, Department of Information and Communications, Department of Culture, Sports and Tourism, Department of Transport, General Department of Police, Border Army, Department of Justice, State Bank, Department of Tax, Department of Customs in the combatting and Prevention of smuggling, counterfeiting and commercial fraud in Quang Binh province. The decision appoints lead agencies for different issues/violations.

This decision specifically directs Provincial FPD to lead and cooperate with all related agencies to detect, combat and settle violations relating to exploitation, trade, storage, transport, of forest products, wild animals and wild animal products, and forest plants. The Provincial Environmental Police are directed to apply professional techniques to detect and combat violations of transport and trade of wild animals and wild animal products that may pose a disease risk to humans and also violations of hunting, killing, transporting and trading protected wildlife and their products.

The Decision directs the lead agencies to develop plans and methods to address their assigned issue/violation type; to collect, compile and share all relevant information on these crimes; to organise patrols, inspections, investigations, checks, and monitoring to detect, combat and settle violations of smuggling, counterfeiting and commercial fraud. This is a critical piece of legislation as relates to the smuggling and trade of wildlife and timber across the international border with Lao PDR and clearly places responsibility and powers with Provincial FPD.

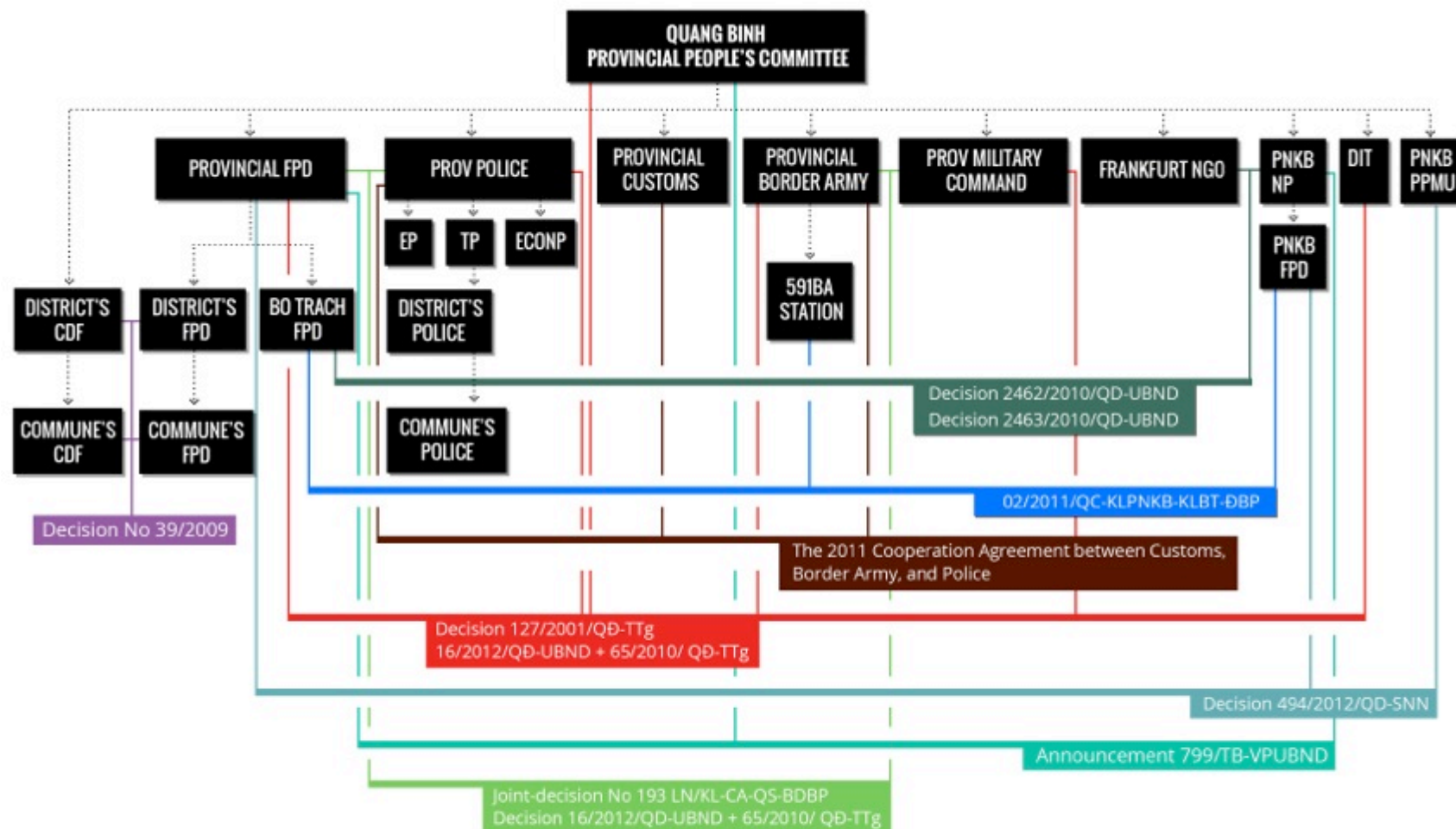
*The Provincial People's Committee (PPC) Chairman/Vice-chairman* has issued a number of Announcements (many it seems in response to the *Dalbergia tonkinensis* logging cases in 2012) following meetings with relevant stakeholders that whilst not legal documents, as official correspondences are important tools at this level to guide the line agencies work and cooperation:

- *Announcement 799/TB-VPUBND* (5<sup>th</sup> May 2012) following a meeting between PPC and PNKB-NP to discuss recent challenges to protect PNKB-NP and *Announcement 981/TB-VPUBND* (May 2012) following a second meeting between PPC and PNKB-NP to continue to discuss recent challenges to protect PNKB-NP both highlight that the PPC are acutely aware that protection efforts are inadequate and that inter-agency cooperation has not been effective to date. In this meeting the PPC provides direction to provincial FPD, PNKB-NP, police, Border Army, Market Control, and District PCs on a range of specific measures

required to strengthen enforcement including initiating strategic, secret, joint-patrols in hotspot areas in the PNKB-NP, and for the Police and Market Control to detect/combat wholesale traders.

- *Announcement 1591/TB-VPUBND* (20<sup>th</sup> August 2012) following a meeting between PPC and PNKB-NP the PPC directs the National Park to cooperate with all relevant agencies to investigate the recent cases of *Dalbergia* timber exploitation in the park.
- *Announcement 1649/TB-VPUBND* following a meeting with Provincial FPD in on Forest Protection to review their recent actions and provide direction for the coming period. In this they reiterated the importance for FPD to cooperate with the Police, Army, Border Army on forest protection and clarified protocols for establishing joint-patrol teams.





**REMARKS:**

- CDF: Civil Defence Force  
- FPD: Forest Protection Department

- Prov Police: Provincial Police  
- EP: Environment Police

- TP: Traffic Police  
- BA: Border Army

- PNKB NP: Phong Nha-Kẻ Bàng National Park  
- VQG PNKB: Vườn Quốc gia Phong Nha-Kẻ Bàng

- DIT: Department of Industry and Trade  
- PPMU: Provincial Project Management Unit

## Analysis of current institutional framework

- At national and provincial levels there are a sufficient range of forums to facilitate coordinated planning to address specific violation issues or hotspots. In Quang Binh province the Project and the coordination groups established as part of that have provided further opportunities for planning and coordination. However, the recently formed 'Law Enforcement Committee' appears to have been established primarily to direct the Projects activities and not provincial forest law enforcement. This is a missed opportunity and it will likely fail in the long-term from a lack of credibility for its limited agency representation and strong links to the project, which many may perceive as more about directing project funds than achieving more effective enforcement. The previous 'Law enforcement support group' that this replaced, appeared to have a better model, with greater representation of the agencies, but is regarded by many associated with it as being ineffective. Interviews with FPD and also staff associated with the Project found that very few of these actions actually were implemented, something that people attributed to the close relationship this group had with the Project and that it had an inappropriate chairperson.
- Field-level activities, including joint patrols and operations, and other general support such as species identification are adequately provisioned in national and provincial legal documents and have been specifically directed by the Quang Binh PPC. However, this has largely been focussed within the PNKB NP, and addressing traders and retailers of forest products has received less attention/direction in terms of joint-agency patrols, units etc.
- Whilst there is clarity on the different roles and mandates of the agencies in addressing forest violations (both administrative and criminal) and guidance on how and in what cases they should cooperate –what is lacking is a singular accountability on forest crime enforcement at any level lower than the People's Committee. Where this is assigned, it generally falls to the Provincial FPD who is not perceived as a professional law enforcement body and indeed lack skills and experience in professional enforcement techniques. *The 2011 Cooperation Agreement between Customs, Border Army, and Police* and *Decision 16/2012/QD-UBND* are good examples where responsibilities, activities and protocols have been clearly outlined and decreed by the provincial government, at present only *Joint-decision No. 193 LN/KL- CA-QS-BDBP* comes close to this, but is limited in scope and in the agencies it involves.
- Financial incentives for cooperation are weak. Interviews with local agencies found a reluctance to join or instigate inter-agency activities due to a lack of specified budget for these activities within their own state-allocated budgets and also because of the allocation of finances raised from fines/sales of seized goods goes to the 'lead agency' in a case, with many reporting they felt their costs had not been recuperated or they were not rewarded at an equal level.
- Cooperation is primarily reactive rather than pro-active. Local agencies reported that in most cases inter-agency units, task forces or patrols are established for a campaign, in response the occurrence of a particularly serious or a complicated violation and actions, planning and briefings do not occur on a frequent or regular basis.
- There is a lack of trust between individuals of the different agencies. We gathered reports from interviews of agencies commenting that they are unable to cooperate with another agency due to agencies 'close relationships with violators' or comments that they believe

another to be receiving bribes from the violators. The former head of PNKB-NP FPD stated that intra-agency cooperation is also weak, commenting that cooperation between District FPDs and PNKB FPD is non-existent. The Border Army noted there were limited opportunities for informal cooperation where agencies can build the critical informal relationships between individuals to foster greater cooperation at an agency level.

### **SECTION 3: FOREST CRIME INFORMATION MANAGEMENT**

At present, forest crime law enforcement in the province is largely reactive, focussing on individual case investigations rather than developing tactical and operational enforcement strategies to prevent forest crime. Information is perhaps the most valuable resource for the provincial and district law enforcement agencies; and is greatly underused at present. The successful prevention, detection and prosecution of forest crimes require accurate and timely information to be collated, analysed and the resulting intelligence shared.

The Forest Protection Department (FPD) generates large quantities of information on the illegal trade in wildlife, timber and other forest products (Table 2). The main source of forest crime data currently generated by FPD at present is from the settlement of administrative violations of forest protection and development law, which represents a very large amount of data, with on average more than 1000 cases each year. From the initiation of a case through to punishment, the FPD collects information on what crime is being committed, who is committing it, their methods and the evidence involved, the punishment issued or if the case was transferred to higher authorities. Additional information following interrogation of the suspects/violators and investigations is also collected in this process.

In forest crime cases that are transferred to higher authorities (i.e. for criminal prosecution) the FPD only receive a notification from the People's Procuracy of the final outcome of the case. Only very rarely are they provided with details of the investigation, and this seems to relate to their level of involvement in the case and the strength of informal relationships the two agencies share. They receive no official data from forest crime cases initiated by other agencies (e.g. Environmental Police),

Information collected from reliable sources (i.e. informants) was reported by all the FPDs interviewed. This information is dealt with very confidentially. The FPDs interviewed explained that the information provided by sources varies in content, detail and reliability. Their information and details are sometimes stored in a single notebook maintained at the FPD office/station of the officer collecting the data whilst others claimed to maintain their own secret files of this information. Some interviewees reported they did not write down the name of the source; only the information they provided.

Forest products seized in administrative violation cases have a variety of final destinations following guidelines issued by the Ministry of Agriculture and Rural Development (e.g. released to the wild, transferred to museums and zoos, destroyed). Under certain conditions, seized products can be sold back to traders, retailers, and end-consumers. In these cases, FPD issue a receipt that includes details on the buyer of the wildlife, the species/quantities bought and its destination.

At a provincial level, permits are also issued for inter-provincial transport of protected species and applications for registration of facilities holding captive wildlife (e.g. commercial wildlife

farms and zoos). None of the FPD rangers interviewed had ever issued a permit for hunting and had never requested details from CITES permit applications originating in their area.

An additional source of data currently overlooked in the existing system is that of detected violations that do not lead to cases. For example, patrol data collected by FPD rangers of encounters with animal traps, logging camps, forest clearance, or data of stump-counts carried out by the Forest Inventory and Planning Institute. This information could provide important direction to planning human resource allocation to different areas, future patrols or cable-snare clearance activities etc. In addition, undercover investigations and surveillance operations are very rarely carried out by FPD and there is no standard protocol for how the information is managed from these.

**Table 2: Data fields from reports on the settlement of administrative violations, transport permits, captive wildlife registration, sales receipts from seized wildlife auctions and criminal case proceedings.**

<b>Minutes of administrative violations (Source: Report Form no. 1 of Administrative violations in Decision 99/2009/ND-CP)</b>	Date, violator name, profession, address, identification card number, violation type and description, seized evidence (type, quantity, origin and status).
<b>Transport permits (Source: Circular 01/2012/TT-BNN)</b>	Application and permit expiry date, name/address of owner of products (not driver or vehicle owner), types/quantity of forest products, departing from what location, destined for what location, route to be taken, transport means.
<b>Registration for breeding farms of wild animals and plants registered in Appendix I of CITES and Group I regulated in Vietnam law (Source: Decree 82/2006/ND-CP)</b>	Name and address of the operation, name and address of the owner or the representative (including, ID/Passport number, Date and place of issue); Farmed species (Scientific name and English name); for plants, number of species registered for artificial propagation and description on the seed of the artificial propagation species (materials to prove that the seed is exploited or imported legitimately); for animals, detailed information on the number and age of male, female individuals in the breeding group; origin of the founder stock, artificial propagation method planned, description on infrastructure; productivity of the previous, current and coming years; product type (live animals, skins, bones, blood, other parts and derivatives); individual marking methods
<b>Registration sample for breeding farms of wild animals and plants regulated in Appendix II, III of CITES and Group II regulated by the laws of Vietnam (Source: Decree 82/2006/ND-CP):</b>	Name and address of the operation, name and address of the owner or the representative (including, ID/Passport number, Date and place of issue); Farmed species (Scientific name and English name); For plants, a description of the number of seeds legitimately exploited from the wild; for animals, a detailed information on the quantity and ages of female and male individuals in the breeding group and origin of the founder stock; description on infrastructure; productivity of the previous, current and coming years; product type (live animals, skins, bones, blood, other parts and derivatives); Information on the annual average mortality of captive animals and reasons; Demand assessment table and specimen provision sources for improvement of breeding seeds in order to develop gene sources
<b>Application of export/import/re-export of wildlife (Source: Decree 82/2006/ND-CP)</b>	Date, applicant organization/individual name; headquarter address, no. and date of business registration (for companies); identity card/passport number, date and place of issue (for individuals); species name applying for import/export/re-export (Latin, English, and Vietnamese), quantity, unit, origin, detailed description of product (size, status, type etc); name and address of the export and import organization, individuals in English and Vietnamese (if available), time and schedule for export and import and through which border gate.
<b>CITES souvenir export permit (Source: Decree 82/2006/ND-CP)</b>	Date, name and address of the Souvenir shop, customer name, nationality, and passport number, a description of souvenir specimens to be exported, scientific name, quantity and source of the product.
<b>Sales receipts from seized wildlife auctions:</b>	Buyer name/address, phone number, bank account number, mode of payment, departing from what location, destined for what location type, quantity and price of wildlife.

<b>Criminal case proceedings</b>	Upon request, the Provincial Procuracy will send the FPD a report on the case proceedings of cases FPD transferred for criminal prosecution that includes details on the violator (i.e. name, address, ID card number, DOB), the violation and the fine/punishment issued.
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## **Management and storage of forest crime data**

The National Forest Protection Department has issued 27 standardised forms for recording information during processing administrative violations. These can be grouped into forms for a) official decisions b) minutes and c) inventory of forest products. During a case of administrative violations FPD rangers must issue official decisions prior to taking different actions. Official decision forms include those for the final fining/penalty, coercion to settle the decision of punishment, temporary-detainment of persons, temporary seizure of evidence/means, searches of property/vehicles/persons, any work that the violator must carry out to repair consequence of their violation and placement of evidence/means of violation with no owner. Following the decision and implementation of these actions, minutes are then prepared following standard forms on the results. In addition standard forms are available for written statement/testimony, receipt of evidence/means from a case, placement of seized evidence/means and inventories of wood and wildlife seized (though the latter for wildlife has since been removed).

Each administrative level of FPD (i.e. district, provincial, national) maintains the original hard copies of administrative case files and permits settled/issued from their department, associated stations and mobile groups. However, there are monthly, quarterly, and annual reporting duties for each level to submit the level above that are mainly summarised statistics of their work in that period:

District level FPD (includes PNKB-NP) submits written monthly reports to the provincial FPD. These reports include information on forest protection and management (including number/area of forest fires in what type of forest, the reason and level of damage); law enforcement (including the number/types of violations, case outcomes, what forest products were seized, the number of criminal cases transferred; and any special/serious cases; and finally any information on wildlife farms.

Provincial level FPD submits hard and/or soft-copy (depending on computer literacy of staff and machine availability) monthly, quarterly and annual reports to National FPD. These reports include the following information relevant to forest crimes: Number/type of violation and violators (including if violator was a individual or business), number of settled administrative cases, number of cases transferred for criminal proceedings, number and types of evidence seized, amount of fine money issued and received, area and reason of forest loss (e.g. forest fire, disease, illegal deforestation, conversion and other purpose).

The Department of Information and Documents (DID) of National FPD is responsible to develop and promote data management systems for the country. The DID stores all provincial reports in soft-copy and inserts the monthly case result overviews into a number of excel spread-sheets. These spread-sheets contain all summarised information sent from provinces and are available online ([www.kiemlam.org.vn](http://www.kiemlam.org.vn)). The DID developed a database for Administrative forest crime violations, named POnline that was designed to store and analyse information from the minutes from the settlement of Administrative violations. This database was abandoned in 2009, due to technical bugs and its inability to run over the internet and then re-launched in 2011 following a re-model. Interviews in Quang Binh suggest this is still not used by the FPD.



The Conservation Department of Provincial FPD maintains an Excel spread-sheet of all registered commercial wildlife farms across the province.

CITES import/export permit applications are held in hard copy form or excel spread-sheet in the CITES department of National FPD. Annually, the Vietnam CITES Management Authority compiles a report for the CITES secretariat summarising imports, exports, and re-exports that year which includes the following information from applications: Species name applying for import/export/re-export (Latin, English), quantity, unit, origin, detailed description of product (size, status, type etc); Country origin/destination. Cha Lo border gate maintains hard-copies of CITES permits and the associated Customs declarations for any wildlife being imported/exported through the border gate.

The detail within sales receipts from seized wildlife auctions, criminal case proceedings, transport permits, hunting permits are not recorded or stored at a provincial level. This information is maintained in hard copy form at a provincial level.

### **Forest crime data analysis**

There is no formal analysis of the data within FPD apart from providing frequency statistics on different types of crimes across a year. FPD sources stated that they simply look at raw data and attempt to interpret the results themselves.

### **Analysis of current forest crime information management**

Current systems of data management in the Forest Protection Department are ineffective at providing intelligence to managers for planning tactical and operational strategies. Key findings of this review on current data management included:

- The FPD generates large quantities of information on the illegal trade in wildlife, timber and other forest products. However, at present much of this data remains in hard-copy form and are poorly recorded and are not subject to any analysis. With this system they are unable to highlight forest crime networks running across multiple provinces; monitor quantities of common and novel species in the trade; identify repeat offenders for stronger penalties, evaluate law enforcement approaches and identify 'hotspot' areas for targeting enforcement operations.
- FPD collect/store information from a very limited range of sources. At present, data management on forest crimes is focussed almost exclusively on administrative crime records. Undercover investigations, surveillance, informants, patrol data are either extremely limited in use and/or the resulting information is not collated or shared.
- There is an almost total lack of analysis of information, limited to producing statistics on frequency of forest crimes across different periods of time/province.
- Information is not managed in any form of central database at a national or provincial level to facilitate analysis and sharing.

## **SECTION 4: ENFORCEMENT PERFORMANCE EVALUATION**

Despite repeated requests from the PPMU endorsed by the PPC, and direction from the provincial FPD we were unable to collect detailed violation data from all the project area due to a lack of cooperation from relevant agencies at various levels, this limits our conclusions to

some extent. Detailed violation data was collected from Minh Hoa and Bo Trach district FPD for 2011-2012, and a general summary of forest protection violations across the province for the seven period 2006-2012, although data for 2009 was not provided meaning only 2006-2008 and 2010-2012 could be analysed (See Table 1).

In total, across these six years, 5,839 cases of forest violations were recorded, with a steady increase in the number of cases/year since 2008. The most common violations detected were violations in the administrative procedures for trading and transporting goods (2,102 cases), and illegally trading, transporting, storing, and processing forestry goods (1,460 cases). A large number of cases (1,870) did not clearly state a violation type. There were only 61 cases in the whole six years of violations in the management and protection of wildlife (Figure 1).

The data over the six-year period highlights the Forest Protection Department as the primary agency detecting forest violation cases, both alone (3,136 cases) and in cooperation with police or Border Army (132 cases). Other related agencies (Police, Border Army, Market Control, and Customs) transfer a small number of cases each year to the FPD (262 cases) (Figure 2).

**Table 1: Forest violation data for Quang Binh province for the period 2006-2008, and 2010-2012 (Source Quang Binh Provincial FPD)**

<b>Violation cases</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Total Number of Cases	809	820	680	992	1236	1302
Deforestation, illegally encroachment of forest	68	25	23	17	25	81
Violations in admin procedures for trading and shipping forest products	724	727	580	5	9	57
Illegal forest exploitation	1	1	29	12	15	3
Illegal trading, shipping, storage, processing of forestry goods					1164	296
Violations in management and protection of wildlife	16	36	18		23	14
Not recorded	0	31	30	958		851
<b>Handled cases</b>						
Number of absent owner	494	436	402	679	788	853
Confiscation of forestry products and un-owned vehicles				675	789	853
Fine (and forced to re-afforest)				12	25	81
Fine (and forestry products seized)				302	414	309
Administrative fine (ALL)	808	350	255	314	447	449
Criminal prosecution	1	1		2	6	2
<b>Transference and cooperation among functional agencies</b>						
Number of absent owner	494	436	402	679	788	853
Case transferred from Police				97	42	62
Case transferred from Border Army				20	4	4
Case transferred from Custom				3	8	5
Case transferred from Market Control				3		
Case transferred from Commune's PC				7	3	4
Case in cooperation with Police					29	39
Case in cooperation with Border Army					40	17

An analysis of 2010-2012 violation data from across the province suggests that the suppression of forest crimes is particularly weak, with 2,320 cases of the total 3,530 (66%) failing to

apprehend any suspect, 1,200 cases (34%) resulting in an administrative fine and only 10 cases (0.3%) leading to a criminal prosecution (Figure 3).

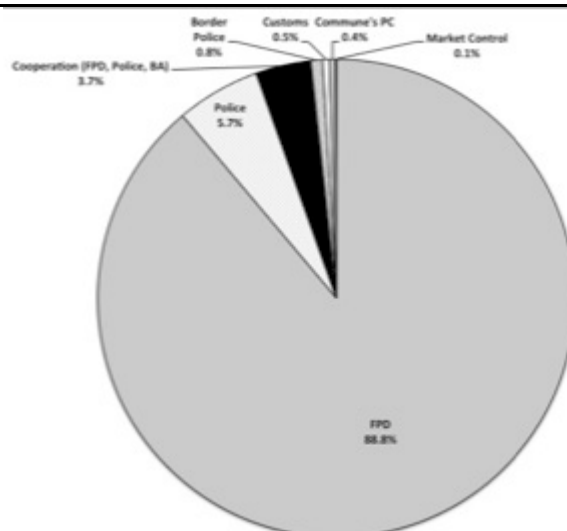
The provincial data provided was not detailed enough to provide an understanding on who in the forest crime network enforcement was currently targeting (i.e. hunters, traders, transporters) but this was possible from the Bo Trach and Minh Hoa data extracted from the period 2011-2012. It was found that from the 724 cases only 231 apprehended a suspect (32%). The majority of these cases involved transporters (142 cases, 61%) or loggers/deforesters (71 cases, 31%). Traders and processors were represented in far fewer cases and in particular across both districts in 2011-2012 there were only two cases involving wildlife trade (Figure 4).

The consultant team were provided with no plans, reviews or reports prepared by the FPD, as per their instruction from the PC on forest law enforcement (e.g. Announcement 1649/TB-V PUBND, *Decision 16/2012/QD-UBND*, and *Joint-decision No. 193 LN/KL- CA-QS-BDBP*) and as such the only document we had to determine their approach to evaluating law enforcement effectiveness was the report on Law enforcement in 2011 prepared by the Provincial FPD. This uses the very simplistic comparison of cases year-on-year as an indication to success, disregarding any analysis (such as the above) or any measure of crime level.

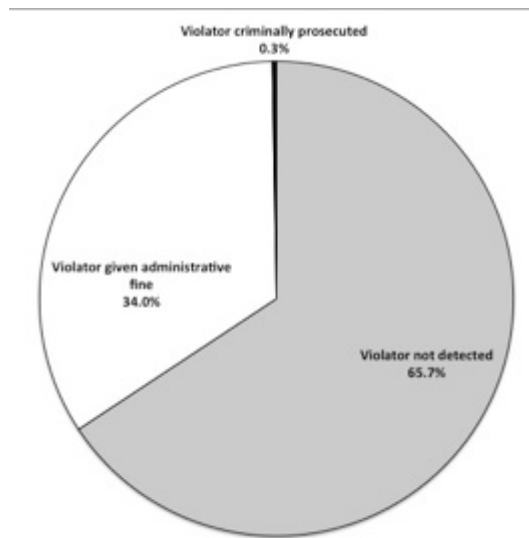
The provincial records hold no information on the origin of the case further than which agency detected it so measuring response rate of the agencies is restricted. However, in the period 2009-2011, Education for Nature – Vietnam reported 22 cases from their national hotline regarding wildlife violations found in Quang Binh province to the authorities and only six of these resulted in a positive law enforcement response and the seizure of the wildlife in question.



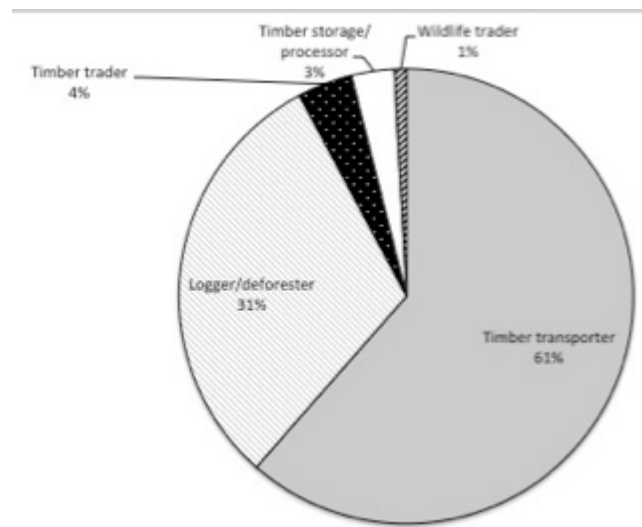
**Figure 1: Forest protection violations in Quang Binh province in the period 2006-2008, 2010-2012**



**Figure 2: Proportion of forest violation cases detected by different agencies in Quang Binh province in the period 2006-2008, 2010-2012**



**Figure 3: Punishments given to forest violators in Quang Binh province in the period 2010-2012**



**Figure 4: Violators role in the forest crime network detected by Bo Trach and Minh Hoa FPD in the period 2011-2012**

## **Analysis of recent enforcement performance:**

There was a widespread reluctance from FPD at all levels to share information on enforcement performance with the consultants for the Project. However, based upon the partial data provided by the provincial FPD and two district FPDs and from interviews with agencies at provincial and district levels, we are able to make the following conclusions:

- Agencies are predominantly detecting violations relating to transport of timber. Wildlife violations of all types are overlooked. Various surveys and investigation in this province since 2004 have confirmed that illegal hunting and trade of wildlife is a widespread and a serious problem. This can not be explained by low levels of this crime. It is more likely that the agencies are lenient, corrupt, or colluding with violators.
- There is a significant weakness in the apprehension of suspects with 66% of cases in the six-year period failing to detect a suspect. During interviews, local FPD officers claimed this was through the phenomenon of violators discarding forest products and fleeing upon detection by the authorities and the officers being unable to catch them. This is a questionable explanation and one that should be carefully considered by the People's Committee and Inspectorate. During interviews with local agencies we also collected numerous comments accusing other agencies of being corrupt or lenient with violators, so these cannot be discounted as factors explaining this.
- There is a surprisingly low detection rate of cases leading to a criminal prosecution (10 cases in three years), with the vast majority having no punishment (as explained above) or having an administrative fine applied. A case is transferred to a criminal prosecution following Article 3, Decree 99/2009/ND-CP when the case involves wild plants and animals listed protected under groups IA and IB of Decree No. 32/2006/NĐ-CP (excluding captive-bred animals); if the violation leads to a fine calculated to exceed levels set in Decree 99/2009/ND-CP, or the violator is a repeat offender under this decree. It is surprising that so few cases of IB/IA species were found and similarly it is of note that so few cases involved a quantity of wildlife/timber that exceeded administrative fine levels. Applying a criminal prosecution and punishment presents the highest form of deterrent to forest criminals and enforcement strategies should be directing efforts towards this to suppress criminal behaviour.
- As evident in the violation data, there is inadequate attention paid to targeting the leaders or 'kingpins' of illegal timber and wildlife trade in the province compared to transporters and those at the supply end (i.e. hunters and loggers), despite their having been very specific calls for this from the PPC (e.g. Announcement 799/TB-VPUBND, 5<sup>th</sup> May 2012).
- At present there is no regular, objective, transparent system for monitoring levels of forest crimes and enforcement response/effectiveness in the province. No clear targets are made, intelligence is poorly utilised to lead operations or strategic responses to dismantling or even disrupting the networks of forest criminals in the province.

## **SECTION 5: CONCLUSIONS**

Forest law enforcement in Quang Binh province is weak and ineffective in its response to the criminal networks driving poaching and logging in PNKB NP. This is not due to major gaps or weaknesses in the legal or institutional frameworks, as both are adequate to provide for a far improved situation than is presently found.

This study found that whilst there are areas that require improvement and greater attention (e.g. to points of sale and consumption, and more practical guidance on wildlife farm regulations),



overall the legal system in Viet Nam is adequate for applying effective forest law enforcement from detection, prosecution to punishment. However, there remains a poor understanding of many enforcement officers in the application and interpretation of these laws, perhaps through insufficient training and guidance.

This study discussed the number of government agencies mandated to work alone and in cooperation on forest law enforcement, and described the legal guidance on this provided at both a central and provincial level. The PPC has a central role in overseeing cooperation through regular joint committee meetings and in approving plans, strategies and budgets. In Quang Binh province the FPD at provincial and district levels has been assigned as the lead agency to coordinate cooperation alongside Environmental Police and is assigned to develop methods and plans for operations to eliminate illegal logging, hunting and trading and transport of timber and wildlife. Despite the various calls for stronger cooperation at national and provincial levels and requests for joint-agency plans and operations, cooperation between the agencies, even between FPD units (i.e. district/national park) is restricted, reactive and mainly focussed on joint-patrols in the forest.

There have been two joint-agency groups established since 2010 to address forest protection, the first a Law Enforcement Support Group, has been disbanded and the recently formed Law Enforcement Committee. Both of these are poorly designed and entangled within the structure and operations of the Project that will affect their credibility and independence. Additional obstacles to improving cooperation lie in addressing the lack of trust and friendship between the agencies at various levels and the financial incentives to cooperation. Furthermore, whilst the FPD may seem the most appropriate agency to lead on this issue, it should be recognised they are not perceived as a professional law enforcement body and indeed lack skills, experience and a mandate to apply professional enforcement techniques to address crimes.

Current systems of forest crime data management are ineffective at providing intelligence to managers for planning tactical and operational strategies, with even basic analyses on violations being poorly managed and shared both vertically and horizontally. At present there is no regular, objective, transparent system for monitoring levels of forest crimes and enforcement response/effectiveness in the province. No clear targets are made, intelligence is poorly utilised to lead operations or strategic responses to dismantling or even disrupting the networks of forest criminals in the province. A review of enforcement actions in recent years highlighted that current enforcement is providing little deterrence to violators due to a significant weakness in the apprehension of suspects, a low detection rate of cases leading to a criminal prosecution, and little targeting of the leaders or 'kingpins' of illegal timber and wildlife trade.

## **SECTION 6: RECOMMENDATIONS**

There has been clear direction from the People's Committee, including direct briefings from the Chairman, and Vice-chairman in recent years to the line agencies to strictly implement the law and yet few changes have occurred in implementation and effectiveness of enforcement. We recommend a greater focus and investment on addressing the obstacles to effective enforcement, greater political leadership and role-modelling by high-level officials, greater attention to points of sale and other demand-side aspects, and a pro-active, intelligence-led approach that embraces monitoring of both crimes and enforcement. Specifically we recommend:

***i) The People's Committee form and chair –and not delegate to a lower level- an inter-agency task force on combatting and preventing forest crimes, with FPD and Environmental police as the two leading agencies;***

Without explicit, significant top-level political commitment and direction from the People's Committee and Party of Quang Binh province to the line agencies in combatting forest crimes, and specifically timber and wildlife trafficking – future efforts and investments will be futile. We

propose the Province issues an updated Decision that expands upon *Joint-decision No. 193 LN/KL- CA-QS-BDBP*, with additional agencies (e.g. Market Control, Customs, Procuracy, Judges), clearer goals (e.g. a target of eliminating the sale of protected wildlife/wildlife of illegal origin in all retail establishments in the province) and that officially forms a PC-led Forest Crime Task Force. This task force would be legally mandated to develop a clear direction, and strategy with targets for increasing criminal detection, prosecution and punishment in the field of forest crimes and objective mechanisms to monitor this. The Task Force could have a implementation unit attached to it with seconded field officers from key agencies working collaboratively to carry out joint-operations.

***ii) The Provincial Government Inspectorate to launch an investigation into corruption, collusion and leniency of related agencies and officers in the field of forest protection to develop a work-plan of activities that will address this problem;***

Addressing corruption, collusion and leniency of government officials in the field of combatting and preventing forest crimes should be the highest priority item for the province to resolve. Surveys and interviews both collected numerous reports of these as major obstacles to effective forest protection and yet to date there is little direct investment from either the project or province to tackle this problem. The province should explore the feasibility of establishing an independent 'ombudsman' to increase transparency and represent the interests of the public by investigating and addressing complaints of maladministration, corruption or violation of rights. This would require significant independence of FPD, police, and the National Park.

***iii) Greater enforcement focus on the criminal individuals operating around the National Park driving the poaching/logging;***

Professionalising protection within Phong Nha Ke Bang National Park is important (see below recommendation iv) but alone is insufficient. Reducing logging and poaching pressure requires targeting the criminal networks stemming out from the National Park as it is these individuals that ultimately are driving logging and hunting activities. The Province must apply a strategic enforcement approach into tackling forest crimes along the criminal networks operating in the buffer zones, in nearby urban towns, at transport nodes, key choke points and at end points of sale and consumption. This approach will support the PNKB NP's efforts primarily, but disrupting these major illegal flows and markets will have impacts for wildlife and habitats across the province and more broadly in this region. This effort should be led and evaluated based upon intelligence on the structure and operations of the criminal networks and should set clear and tangible goals. For example, the province should set a target of eliminating the sale of protected wildlife/wildlife of illegal origin in all retail establishments in the province.

***iv) Apply patrol-based law enforcement monitoring in Phong Nha Ke-Bang National Park;***

There have been various Directives and Recommendations issued given to "strengthen protection" of PNKB NP and this is of course a worthy goal, but without setting more specific indicators to what that means, its hard to measure if it has been achieved. Effective protection of a site requires management producing good results and therefore a system that measures this. Site-based monitoring tools allow evaluation of performance of ranger teams by showing us where patrols were done and where are the gaps in coverage over time. They can also present a distribution of threats and hotspots where patrols need to focus for different threats. We recommend that the province invests in the roll-out of a system such as SMART ([www.smartconservationsoftware.com](http://www.smartconservationsoftware.com)) or MIST ([www.ecostats.com/software/mist/mist.htm](http://www.ecostats.com/software/mist/mist.htm)) the two most common systems as an approach to strengthening enforcement effectiveness at the site level.

In parallel to this effort the province should seek to establish a regular, objective, transparent system for monitoring levels of forest crimes and enforcement response/effectiveness in the province. This would include a strong element of civil society monitoring.

***v) Review the Projects alignment within the Provincial structures***

The two attempts at inter-agency committees for forest protection appear to have been driven by the project or at least driven by a desire to secure funds from the project. This indicates confusion over the direction of support and in some cases the project (and its large budget) is becoming a distraction and excuse to implementation of laws. For example, the recently formed Law Enforcement Committee has no professional law enforcement agencies/officers represented and seems mainly designed to advise the Project how to spend its money. A law enforcement committee should be an independent body, with representation of the key agencies that coordinates planning for improved law enforcement.

The Project has been established to strengthen provincial institutions and plans and it should be within the responsibility and role of the PPMU to identify how it can support the activities of the agencies and of such committees.

***vi) Increase incentives and remove barriers for inter-agency cooperation;***

Protection efforts for Phong Nha Ke Bang National Park are led by the National Park with weak coordination and cooperation of the District FPDs. In fact, interviewees reported significant resentment between officers of the district FPD and National FPD due to the differing contractual status (i.e. NP staff are on government contracts and not civil servant contracts like the District FPD and so do not get the same salary and benefits). The PPC must pay greater attention to this and prioritise NP staff for civil servant training and review management of FPD's in the Park and Districts to remove this tension. This should be accompanied by an internal review of the financial rewards scheme for case involvement to equalise incentives for cooperation to facilitate greater inter-agency cooperation.

## ANNEX 1: MEETINGS AND INTERVIEW SCHEDULE

No	Name of agencies, interviewees	Date
1	<b>The director of PPMU of Phong Nha-Ke Bang Region project:</b> Nguyen TrungThuc, vice manager of Technical department: Dinh Hai Duong; <b>AHT Consultants:</b> Bas van Helvoort, CTA Nguyen Van Tri Tin, Deputy CTA	Monday 25 Feb 2013
2	<b>FFI:</b> Mr Nguyen Duy Luong, program coordinator <b>GiZ Quang Binh:</b> Pham Thi Lien Hoa	
3	<b>Quang Binh provincial Forest Protection Department (FPD):</b> Nguyen Van Duan, vice-director Le Thuan Thanh, head of legislation and Inspection department Pham Van Bang, head of Conservation department	
4	<b>Quang Binh Provincial Border Army (BA):</b> Colonel Bui Quang Duc, deputy commander Captain Dao Van Lam	
5	<b>Quang Binh Provincial Market Control (MC) department/</b> Standing committee member of Provincial <b>Steering Committee 127</b> for Anti-Smuggling, Counterfeit Goods and Trade Fraud Nguyen XuanDat, acting director Nguyen Van Chuyen, manager of technical department	
6	<b>Quang Binh Provincial Customs Department</b> Hoang Thi Nam Huong, deputy manager of technical department PhanNhat Truong, senior officer	Tuesday 26 Feb 2013
7	<b>Quang Binh Provincial Traffic Police dept (TP):</b> Mr Thanh, manager. The meeting was cancelled due to provincial director's direction	
8	<b>Quang Binh Provincial Economic Police (EconP)</b> Mr Hoa, vice manager, Mr Duong, the meeting was cancelled due to provincial director's direction	
9	<b>Quang Binh Provincial Environmental Police (EP):</b> the meeting was cancelled due to provincial director's direction	
	Waiting for approval of Quang Binh provincial police to work with the agencies	27-28 Feb 2013
10	<b>Bo Trach district Economic cum Environment Police:</b> Mr Sang, deputy head Duong Dinh Tu, Economic cum Environment Police	Friday 1 Mar 2013
11	<b>Bo Trach district FPD:</b> Mr Tuan, Legislation and Inspection (not provided any information) Mr Tan, head of FPD Bo Trach: cancelled the meeting	
12	<b>Phong Nha- Ke Bang National Park , Management Board:</b> Dang Dong Ha, vice-director: cancelled meeting. Replied questionnaires by email.	
13	<b>Quang Binh Provincial People's Procuracy:</b> Nguyen Huu Cam, manager of economic cases (department 1)	
14	<b>Quang Binh provincial Department of Animal Health:</b> Le Hong Ky, manager of animal quarantine	

15	<b>Quang Ninh district FPD:</b> Phan Ngoc Phan, head of FPD Quang Ninh	
16	<b>Quang Ninh district Police:</b> Le Thanh Liem, team leader of Quang Ninh district economic police Nguyen Thanh Minh, deputy team leader of Quang Ninh district economic police	
17	<b>Quang Binh provincial Forest Protection Department (FPD):</b> Nguyen The Son, deputy- head of legislation and Inspection department	
	Compilation of data and contacting Quang Binh agencies for meetings	Sat 2 Mar 2013
18	<b>Phong Nha- Ke Bang National Park FPD:</b> Pham Hong Thai, former head of Phong Nha-Ke Bang NP FPD	Sun 3 Mar 2013
19	<b>Cha Lo Border Army station:</b> PhanDuc Tam, head of Cha Lo station	
20	<b>Cha Lo Customs sub-department:</b> Tran Dinh Hai, head of Cha Lo customs sub-dept Tran Trong Vinh, deputy team leader	
21	<b>Minh Hoa district FPD:</b> Cao Duc Dai, head of FPD Minh Hoa Hoang Ngoc Gioi, legislation and Inspection	Monday 4 Mar 2013
22	<b>Minh Hoa district Police:</b> Dinh Minh Hien, vice-head of Minh Hoa police Doan Vinh Bac, Economic, Enviroment police	
23	<b>Phong Nha- Ke Bang National Park FPD:</b> Doan Thanh Binh, in charge of Legislation and Inspection	
24	<b>Phong Nha Police Station:</b> Mr Hung, deputy head	Tue 5 Mar 2013
25	<b>Son Trach commune Police Station:</b> Nguyen Huu Chi, head of Son Trach police	
26	<b>Bo Trach district FPD:</b> Pham Van Tan, head of FPD Bo Trach	
27	<b>Quang Binh Provincial Economic Police (EconP)</b> Nguyen Luong Hoa, vice manager, Nguyen Ngoc Sinh, officer	
28	<b>Quang Binh provincial Forest Protection Department (FPD):</b> Mr Thai, director of Quang Binh provincial FPD Le Thuan Thanh, head of legislation and Inspection department Ms Nguyen Nhan Mr Bang, head of Conservation dept	Wed 6 Mar 2013
29	<b>Quang Binh Provincial Environmental Police (EP):</b> Mr Ngõn, vice manager Mr Trung, deputy team leader Mr Binh, officer	
30	<b>Quang Binh Provincial Traffic Police dept (TP):</b> Bui Quang Thanh, manager Vo Minh Tien , officer	
31	<b>FFI: Mr Nguyen Duy Luong, program coordinator</b>	Tue 12 Mar 2013

32	<b>Quang Binh provincial Forest Protection Department (FPD):</b> Mr Thai, director of Quang Binh provincial FPD Le Thuan Thanh, head of legislation and Inspection department	
33	<b>Quang Binh Provincial People's Procuracy:</b> Nguyen Huu Cam, manager of economic cases (department 1)	Fri 15 Mar 2013
34	<b>Quang Binh Provincial People's Procuracy:</b> Nguyen Huu Cam, manager of economic cases (department 1)	Mon 20 May 2013
35	<b>Dong Hoi district FPD:</b> Head of FPD Dong Hoi	Tue 21 May 2013
36	<b>Quang Ninh district FPD:</b> Phan Ngoc Phan, head of FPD Quang Ninh	
37	<b>Quang Ninh district procuracy:</b> Nguyen Tan Hoa, head of Quang Ninh procuracy	
38	<b>Bo Trach district FPD:</b> Pham Van Tan, head of FPD Bo Trach Mr Tuan, Legislation and Inspection	Wed 22 May 2013
39	<b>Dong Hoi district FPD:</b> Head of FPD Dong Hoi Legislation and Inspection	Fri 24 May 2013
40	<b>Minh Hoa district FPD:</b> Cao Duc Dai, head of FPD Minh Hoa Hoang Ngoc Gioi, legislation and Inspection	Mon 27 May 2013



# **Forest Law Enforcement in the Phong Nha–Ke Bang Region, Quang Binh Province: The Status of Wildlife and Timber Trafficking**

**Wildlife Conservation Society  
May 2013**

## **CHAPTER 2: FOREST LAW ENFORCEMENT IN THE PHONG NHA-KE BANG REGION, QUANG BINH PROVINCE: THE STATUS OF WILDLIFE AND TIMBER TRAFFICKING**

## INTRODUCTION

Phong Nha – Ke Bang National Park (PNKB NP) is a critically important location for biodiversity conservation for Viet Nam, and the world. It forms part of the Greater Annamites Ecoregion (Baltzer *et al.* 2001), is listed as an Important Bird Area (Tordoff *et al.*, 2003) and combined with the adjacent Hin Nammo Protected Area in Lao PDR forms one of the largest continuous limestone areas in South East Asia (Meijboom & Ho Thi Ngoc Lanh 2002). In 2003 PNKB NP was also recognized as a UNESCO World Heritage Site under Criteria *viii* as it displays an impressive amount of evidence of earth's history and is a site of very great importance for increasing human understanding of the geologic, geomorphic and geo-chronological history of the region.

The Nature Conservation & Sustainable Natural Resource Management in Phong Nha - Ke Bang Region Project (herein referred to as 'The Project') aims to improve the management of Phong Nha – Ke Bang National Park, and 225,000 ha of buffer zone consisting of 13 adjacent communes in the three districts of Bo Trach, Minh Hoa, and Quang Ninh and reduce the pressure on its natural resources. The Project was formed through a co-operation between Quang Binh People's Committee and Germany, with funds coming from the German development bank (KfW) and GIZ.

A limited amount of information already exists on local-scale hunting and logging in the buffer-zone communities of Phong Nha - Ke Bang National Park (Nguyen Xuan Dang *et al.*, 1998; Hoang Van Lam, 1999; Timmins *et al.*, 1999; LINC, 2001; and Le Thuc Dinh & Cruchley, 2002). Robertson, 2004 coordinated a provincial-wide survey with local forest protection rangers and collected detailed information on illegal wildlife traders, transport routes, quantities traded, trade organisation and demand markets yet this is now out-dated.

In February 2013, the PPMU commissioned WCS to provide the Quang Binh provincial authorities and KfW with a *"comprehensive status report of the current forest law enforcement efforts and forest crimes/violations in the Project Region, with recommendations to strengthen forest protection law enforcement and wildlife management in the Province, halt or at least curb forest crime/violations, and with a practical action plan for Provincial authorities to address the most pressing matters in 2012"* (ToR PNKB KfW-060-vs05Forest Law Enforcement in the Phong Nha - Ke Bang RegionForest Law Enforcement in the Phong Nha - Ke Bang Region).

Understanding the current status of forest violations, and specifically wildlife and timber trafficking is a critical component to a broader review of forest law enforcement efforts currently. Using undercover investigation techniques, this study was carried out to provide a status report on wildlife management and forest protection in the PNKB NP region and Dong Hoi city.

## METHODOLOGY

The study focused primarily on wildlife rather than timber trafficking due to a restriction in the number of suitable surveyors available. Data were collected on the species common in trade, the sources and destinations for the trade, the key retail outlets in the province, and the shortcomings of law enforcement effort.

Six investigation teams conducted undercover surveys across Quang Binh over a two-week period in May 2013 (Table 1). Among them were law enforcement officers as well as WCS surveyors. Thirty-one communes of three districts and one city within Quang Binh province were surveyed: Bo Trach, Minh Hoa, Quang Ninh and Dong Hoi city. In addition one farm from Le Thuy district was also surveyed as local FPD reports suggested it may be a significant trading location. Six teams focussed on wildlife with one team gathering data on timber trafficking in Dong Hoi, Bo Trach and Quang Ninh districts.

Survey sampling was non-probabilistic, and relied on a number of strategies. Survey teams sought to collect primary data from individuals/entities directly involved in the trade or from sources with close ties to those individuals/entities. Some individuals were selected from documents or previous survey records; all farms were selected according to Forest Department Protection (FPD) wildlife farm reports; some of the restaurants in Dong Hoi city were known to trade in wildlife from past surveys. Snowball sampling was used to select investigation targets based on recommendations from local people and interviewees. In most cases individuals were chosen opportunistically.

Whilst the data collection focus was consistent, the exact structure of the surveys differed between investigation teams. Interview structure and questions were delivered according to each investigator's 'cover story' as all teams were carrying out the survey in an undercover manner. Investigators also collected information on individuals involved with the wildlife trade indirectly by interviewing other sources, such as taxi drivers and hotel owners. Information provided by these individuals was included in the results.

The survey design gave particular attention to restaurants for a number of reasons. Of all the actors in the wildlife meat commodity chain, restaurants are perhaps the most welcoming to unfamiliar faces, thus most vulnerable to inspections from law enforcement officers and most accessible to investigators. Studying the level of wildlife trade in restaurants should therefore provide an indication to the level of law enforcement and governance of wildlife meat trade in Quang Binh. In addition, previous surveys have found that as it is not the norm for consumers to purchase ingredients and prepare wildlife meat dishes at home, restaurants represent the main outlet for the local consumption of wildlife meat and thus a critical node for information gathering, as the managers will have knowledge on sources and consumers.

**Table 1: Survey effort across districts of Quang Binh in days**

	District					
	Dong Hoi	Bo Trach	Minh Hoa	Quang Ninh	Le Thuy	Total days
Team 1	1.5	7	6	2	0.5	17
Team 2	5	1.5	0	0	0	6.5
Team 3	1.5	1	0.5	0	0	3
Team 4	0	9	0	0	0	9
Team 5	8.5	0.5	0	0	0	9
Team 6 (Timber)	2	3	0	4	0	9
<b>Total</b>	<b>20</b>	<b>22</b>	<b>6.5</b>	<b>8</b>	<b>1</b>	<b>53.5</b>

All investigators had been previously trained in species identification, survey techniques and specifically undercover survey approaches. The participating law enforcement officers were required to pass a theoretical and practical competency test to be selected as a surveyor. It was hoped a greater number could participate, but only three passed these tests. Investigators

sought information related to forest crimes through informal interviews with local sources. Information includes:

- Interviewees' participation in the wildlife/timber trade
- Species being traded and their prices
- Locations of sources and destinations
- Details of others involved in the wildlife/timber trade commodity chain and network, such as those who they purchase timber/wildlife from or sell to
- Violations related to forest crimes and corruptions among government officials and law enforcement officers

## RESULTS

### 1. Wildlife trade

Wildlife trade was detected in all 31 communes surveyed, with a total of 91 individuals confirmed as being directly involved in the wildlife trade both from direct interviews (n=85) and from reliable sources with close ties to the entity/individual (n=6) (Annex 1). Additionally, 15 individuals, all restaurant owners, were also reported to be involved in the wildlife trade but investigations conducted were unable to verify these claims. The 91 individuals were divided into four categories according to their roles in the wildlife trade commodity chain; restaurant owners, farm owners, wholesale traders and hunters. In this report they will be collectively called 'individuals' for uniformity (Table 2).

Table 2: The number of individuals found to be involved in the wildlife trade, and their role in the commodity chain, during surveys in Quang Binh province in May 2013

Location	Restaurant owner	Farm manager	Hunter	Wholesale trader	Total
Dong Hoi city	24 (14)	4	0	0	28 (14)
Bo Trach	31 (1)	0	0	0	31 (1)
Minh Hoa	7	0	2	4	13
Quang Ninh	6	3	3	7	19
Le Thuy	0	1	0	0	1
<b>Total</b>	<b>68 (15)</b>	<b>8</b>	<b>5</b>	<b>11</b>	<b>92 (15)</b>

**NB:** Numbers in parentheses indicate the number of individuals reported but not verified as being involved in the wildlife trade. The total number of individuals identified, as calculated on this table, is 92 despite only 91 individuals were identified as one individual operated as both a restaurant owner and a farm owner.

- The trade in protected wildlife in the Phong Nha-Ke Bang region*

A total of 29 different species of animal were reported to be in trade by the 91 individuals surveyed with the most commonly reported (Table 3), in descending order being wild pig, civet, hard-shell turtle, monitor lizard, wild deer, serow, porcupine, macaque, pangolin, and soft-shell turtle (Table 4).

Decree 32/2006/ND-CP lists 62 species in Group IB and 89 species in Group IIB as protected. At least 12 out of 29 species reported (100 reports in total) were protected under this Decree: Bear, gibbon, golden turtle, langur, macaque, monitor lizards, mouse deer, pangolin, serow, wild cat, red giant flying squirrel, and tiger. However, animals were often traded under generic taxon names (e.g. civet, snake, and hard-shell turtle), which are inclusive of multiple species/genera and so could include additional species protected under Decree 32, we refer to these as 'potentially-protected' taxa. For example, traders typically distinguished turtles as 'black' or 'gold'; with 'gold' being *Cuora trifasciata* (Decree 32-listed: Category IB), and 'black' being any turtle species that is not *Cuora trifasciata*. Five out of 29 animals reported (84 reports in total) fall within this potentially protected category: civet, hard-shell turtle, muntjac, snakes, cobra. This same ambiguity applies to CITES-listed animals, where nine of 29 (94 records in total) animals reported are definitely CITES listed, while another 10 animals (128 reports) could be listed, too, depending on the exact species (considering snakes and cobra as one group).

**Table 3: The number of individuals (restaurant owners, farm owners, hunters, and traders) reporting to sell protected wildlife during surveys in Quang Binh province in May 2013**

	Communes	Number identified to be selling wildlife	Number selling protected species	Number not selling protected species but selling potentially protected taxa	Number selling only non-protected taxa
Dong Hoi	Hai Dinh	3	2	1	0
	Dong Son	6	4	2	0
	Nam Ly	4	3	0	1
	Bac Ly	1	1	0	0
	Bao Ninh	2	0	0	2
	Bac Nghia	2	1	1	0
	Duc Ninh Dong	1	1	0	0
	Dong Phu	3	1	0	2
	Hai Thanh	1	1	0	0
	Phu Hai	1	0	0	1
	Dong My	1	1	0	0
	Unknown DH	2	1	0	1
<b>District total</b>		<b>27</b>	<b>16</b>	<b>4</b>	<b>7</b>
Bo Trach	Son Trach	17	14	2	1
	Hoan Lao	3	2	1	0
	Trung Trach	1	1	0	0
	Phuc Trach	6	6	0	0
	Xuan Trach	1	1	0	0
	Thanh Trach	1	0	1	0
	Viet Trung	1	0	1	0
	Unknown BT	1	0	0	1
<b>District total</b>		<b>31</b>	<b>24</b>	<b>5</b>	<b>2</b>
Minh Hoa	Quy Dat	6	4	0	2
	Hoa Hop	1	0	0	1
	Hoa Tien	3	2	1	0
	Unknown MH	3	1	0	2
<b>District total</b>		<b>13</b>	<b>7</b>	<b>1</b>	<b>5</b>
Quang Ninh	Quan Hau	2	1	1	0
	Luong Ninh	1	1	0	0
	Xuan Ninh	5	1	1	3
	Vinh Ninh	4	0	3	1
	Hien Ninh	4	3	0	1
	Hai Ninh	3	3	0	0
<b>District total</b>		<b>19</b>	<b>9</b>	<b>5</b>	<b>5</b>
Le Thuy	Thanh Thuy	1	1	0	0
<b>Province total</b>		<b>91</b>	<b>57</b>	<b>15</b>	<b>19</b>

**Note:** Individual is defined as interviewees who were restaurant owners, farm owners, hunters, and traders identified to be trading in wildlife (see table 2). Individuals from unknown communes in each district are assumed to be from the same commune and grouped together for this analysis.



**Table 4: List of wildlife available in trade, arranged in descending order according to total frequency reported by individuals**

Animals traded	Decree 32	CITES	Total No. of reports	Restaurant	Farms	Hunters	Traders
Wild pig	No	No	62	52	4	1	5
Civet	Potentially	Potentially	38	32	1	1	4
Hard-shell turtle	Potentially	Potentially	30	23	1	1	5
Monitor lizard	Yes	Yes	29	22	5	0	2
Wild deer	No	Potentially	24	22	0	1	1
Serow	Yes	Yes	23	21	0	0	2
Porcupine	No	No	21	19	2	0	0
Macaque	Yes	Yes	14	14	0	0	0
Pangolin	Yes	Yes	14	11	1	0	2
Soft-shell turtle	No	Potentially	14	13	1	0	0
Bear	Yes	Yes	5	5	0	0	0
Eel	No	No	5	5	0	0	0
Muntjac	Potentially	Potentially	5	5	0	0	0
Junglefowl	No	Potentially	4	2	0	2	0
Snakes	Potentially	Potentially	4	4	0	0	0
Tiger	Yes	Yes	4	4	0	0	0
Cobra	Potentially	Potentially	3	3	0	0	0
Golden turtle	Yes	Yes	3	3	0	0	0
Wild rabbit	No	No	3	3	0	0	0
Coucal	No	No	2	2	0	0	0
Langur	Yes	Potentially	2	2	0	0	0
Mouse deer	Potentially	Potentially	2	2	0	0	0
Thick-billed green pigeon	No	No	2	2	0	0	0
Wild cat	Potentially	Potentially	2	2	0	0	0
Asian water dragon	No	No	1	1	0	0	0
Red giant flying squirrel	Yes	No	1	1	0	0	0
Gibbon	Yes	Yes	1	1	0	0	0
Tokay gecko	No	No	1	1	0	0	0

The term “Potentially” under Decree 32 and CITES refers to taxa whose common names include protected species and unprotected species, but this is difficult to determine unless specimens are examined

Fifty-seven individuals of the total 91 identified (63%) reported to sell protected species<sup>9</sup>, and a further 15 individuals reported to trade in ‘potentially-protected taxa, giving a total of 72 individuals (79%) potentially involved in the trade in protected species. Protected wildlife was reported to be traded in 24/31 communes surveyed, with the greatest prevalence found in Bo Trach district where 24/31 (77%) of individuals reported to sell protected wildlife, and an additional five reported selling potentially-protected taxa.

We carried out a comparison of the 15 most frequently traded species in Quang Binh from the 2013 survey and the results from the Robertson 2004 survey. 12 species that were most frequently reported in 2004 remained on the list in 2013 with some minor shifts in their rank. Sambar, cobra, and python were replaced with wild deer, eel, and junglefowl, although some were still reported (1 reports for python and 3 for cobra. Two species that have become more frequently reported are monitor lizards and serows. Primates, muntjacs, and snakes have decreased in frequency. Note that the range of frequency varied between the two years, the range for 2013 is much wider from 4 to 62 (table 5). There are also less frequently reported

<sup>9</sup> A protected species is defined as any species listed in Group I/II of Decree 32/2006/ND-CP

<sup>2</sup> A ‘potentially protected species is defined as animals with common names that could not be identified at a species level and so its precise status on Decree 32 remains unclear, but the trade in these species could potentially violate Decree 32

species recorded in 2004 that have not been recorded in 2013. These include gaur, leopard, otter, squirrel, loris, and bamboo rats (Robertson, 2004). Similarly some species emerged in trade in 2013 were not mentioned in 2004, such as Asian water dragon, red giant flying squirrel, coucal, thick-billed green pigeons.

**Table 5: Comparison of 15 most frequently reported species in trade in 2004 (from Robertson, 2004) and in 2013 Highlighted are taxa that do not appear on the list in both years.**

Species	2004 Frequency	Species	2013 Frequency
Hard-shell turtle	54	Wild pig	62
Primates	41	Civet	38
Civet	36	Hard-shell turtle	30
Wild pig	35	Monitor lizard	29
Porcupine	34	Wild deer	24
Snakes (excluding cobra)	30	Serow	23
Muntjac	26	Porcupine	21
Sambar	22	Primates	17
Cobra	22	Pangolin	14
Python	20	Soft-shell turtle	14
Bear	18	Bear	5
Monitor lizard	16	Eel	5
Soft-shell turtle	14	Muntjac	5
Serow	13	Jungle fowl	4
Pangolin	12	Snakes (excluding cobra)	4
-	-	Tiger	4

- **Restaurants**

Of the total 83 restaurants surveyed, 68 of these (82%) were found to trade in wildlife, 25 (37%) of which did so publicly (i.e. advertising wildlife meat on restaurant signs, or menus, or having wildlife including wildlife products such as meat, wildlife-based rice wine, or trophies on display), and 48 restaurants (71%) wildlife offered protected taxa (Table 6).

There was a majority consensus amongst restaurant owners that the most popular time for wildlife meat runs from October to March in the cooler months, and that demand for wildlife meat during the time for the survey (i.e. May) was far lower in comparison.

Some areas received greater survey effort; notably Son Trach commune of Bo Trach district, where the entrance and headquarters to Phong Nha-Ke Bang National Park is situated. Seventeen restaurants in Son Trach were surveyed and all were discovered to be selling wildlife; 53% (9 out of 17) of these did so publicly, and 82% of restaurants investigated in Son Trach (14 out of 17) sold protected species (Table 3).

**Table 6: Restaurants surveyed and the selling of wildlife in surveyed districts**

District	Survey effort in days	No. restaurants surveyed	No. restaurants selling wildlife	No. restaurants selling wildlife publicly	Percentage selling publicly (%)	No. selling protected taxa	Percentage selling protected spp. (%)
Dong Hoi	20	38	24	9	38	15	63
Bo Trach	22	32	31	15	48	24	77
Minh Hoa	7	7	7	1	14	5	71

Quang Ninh	8	6	6	0	0	3	50
<b>Total</b>	<b>56.5</b>	<b>83</b>	<b>68</b>	<b>25</b>	<b>37</b>	<b>48</b>	<b>71</b>

**Selling wildlife “publicly” is defined by the advertising of wildlife meat on restaurant signs, menus with wildlife meat available, and having wildlife or its products (food, medicinal wine, decorations) on display**

- *Sources and destinations:*

The surveys found that whilst a certain proportion of the wildlife is sourced and consumed locally in Quang Binh province; traders are also buying wildlife from other provinces, neighbouring countries to sell to traders in Northern Vietnam as well as China (Figure 1).

The reported sources and destinations reported by each individual found trading wildlife was categorised into three levels based on the information provided during interviews:

1. Provincial, wildlife traders operating within the district, with no further information suggesting wildlife being sourced from or supplied to other provinces;
2. National, for those trading wildlife from or to other provinces, but the involvement of hunters, traders, and wildlife from other countries is not made clear to investigators;
3. International, when individuals disclose that their stock of wildlife is imported from or exported to other countries. The data collected represents a minimum scale of organised transnational wildlife trade operation, and the lack of information on higher-level operations does not indicate nonparticipation on behalf of interviewees.

Of the 91 individuals who traded wildlife, 31 did not provide sufficient information on the level of operation (Table 7). The majority reported on trading on a province level, while 14 admitted to transnational trade.

**Table 7: Number of individuals participating in various levels of wildlife trade operation**

<b>Level of trading operation</b>	<b>No. individuals</b>
International	14
National	34
Provincial	12
Insufficient information	31

**Table 8: Sources reported (and number of reports) by district**

<b>District</b>	<b>Reported supply locations</b>
<b>Dong Hoi</b>	Truong Son (4), Lao PDR (2), South Vietnam (1), National Road 12 (1), Cha Lo (2)
<b>Bo Trach</b>	Truong Son (2), Lao PDR (5), Phong Nha (6)
<b>Minh Hoa</b>	Lao PDR (2), Dak Lak (1)
<b>Quang Ninh</b>	Truong Son (6), Lao PDR (1), Truong Xuan (1), Dong Thap (1), Binh Thuan (1)

**The term 'sources' here refers to places where individuals collect wildlife from. These areas could be hunting areas or wildlife trading hubs**

**Table 9: Destinations reported (and number of reports) by district**

<b>District</b>	<b>Reported selling destinations</b>
<b>Dong Hoi</b>	China (3), Hanoi (1)
<b>Bo Trach</b>	Dong Hoi (1)
<b>Minh Hoa</b>	Ba Don (Tuyen Hoa) (1), Dong Le (Tuyen Hoa) (1)
<b>Quang Ninh</b>	Mong Cai (and China) (2), Dong Hoi (5), Northern provinces (2), Quang Trach (Quang Binh) (1), Rom (1)

**The term 'destinations' here refers to any reported trading locations where wildlife could be transferred to by transporters, other traders, restaurant owners, farm owners, before reaching end-users**

- *Local trade*

Locally one of the most frequently stated sources is the Phong Nha forest (5 reports), and is specifically limited to individuals identified in Bo Trach. 'Truong Son' is consistently featured in surveys from Dong Hoi, Bo Trach, and Quang Ninh (12 reports). However it is difficult to determine the exact location of 'Truong Son'. Individuals often cite Truong Son without specifying whether they are referring to Truong Son commune, Truong Son state forest enterprise, or the Annamite mountain range, which is also called Truong Son (Table 8). Sixty-eight restaurants were identified to be trading in wildlife throughout Quang Binh, thus Quang Binh remains to be a local destination for wildlife trade.

- *National trade*

Other destinations reported that are outside of Quang Binh province (Mong Cai, Hanoi, and Northern provinces) (Table 9) are said to be transit points where wildlife changes hands before reaching an international destination.

- *International trade*

Ten individuals, from all surveyed districts, stated Lao PDR explicitly as a source of wildlife. Ca Roong (Quang Binh) and Lao Bao (Quang Tri province) were directly linked to Lao PDR as border gates where wildlife is transported into Vietnam through. Additionally, Cha Lo border gate was mentioned as a geographical source location, which indicates wildlife transported from Lao PDR.

Information collected indicates that hunters and traders would congregate at specific locations regularly to trade wildlife. It is believed that reports of wildlife 'collected' from National Road 12 and Cha Lo refer to such a locality. Similarly, two traders reported that Dong Le town, Ba Don town and Rom are key localities for the Lao-Vietnam trade in wildlife. However, further information on what exact role these localities and what role the traders located there play, was outside the geographic scope of this survey. As for international destinations, China (via the Mong Cai City border gate) was the only country reported from Dong Son, Dong Hoi (three reports); and Hai Ninh, Quang Ninh (two reports) targeted for the trade of pangolins, monitor lizards, and golden turtles.

- *Prevalence of wildlife violations*

Decree 99/2009/ND-CP lists administrative violations of wildlife management and protection as punishable by law to include illegal hunting, trapping, shooting, catching, raising, keeping, killing, buying, selling, storing, processing, trading, and transporting of wildlife of CITES or national protection status. In the 2013 report '*A review of legal and institutional frameworks and forest crime information management*' prepared by the Wildlife Conservation Society for the PPMU, they found that over a six-year period (2006-2008, 2010-2012) a total of 61 cases relating to violations of wildlife management and protection were recorded by the FPD across the whole province, including those transferred from other agencies.

To evaluate the prevalence of wildlife violations encountered during our survey and ensure a fair and objective count, we only counted an act of violation if the interviewee specifically referred to their involvement in an illegal act or the surveyors observed the individual making the violation. This will result in a large underestimation of the actual level of violations and many of these can be implied by their business i.e. a restaurant selling wildlife is likely to have bought it from someone, and similarly a trader will likely be involved in buying, selling and transporting wildlife. However, by limiting our calculations to the recorded testimony of individuals in the trade, the resulting figures are more robust and as a minimum offer insight to the real level of violations occurring.

A total of 245 records of Decree 99 wildlife protection and management violations were recorded over the ten-day survey period. Of these, 203 were reported by 53 individuals who claimed to trade protected wildlife, in addition to a further 42 violations claimed by 14 individuals who traded in 'potentially-protected' taxa (Table 10). Unsurprisingly, the most frequently reported violations are the selling and buying of wildlife, which is expected given this study looks at the actors in the commodity chain of wildlife meat trade, and sampling selection biased towards those active in the trade, such as restaurants.

Although it is possible to trade in protected wildlife and not violate upon the national laws of Vietnam, it requires the wildlife to be accompanied by a certificate of origin from a registered wildlife farm, the trader/retailer maintaining a logbook for recording stock-flow, and the trader possessing a wild animal trading licence. The other exception would be if they have been legally purchased from an FPD-auction of seized animals. However, this is only applicable to those with wild animal trading licences (which we understand have not been issued in Quang Binh province), if they have a logbook for recording stock flow, and they would require a VAT sales invoice and transport permit.

Our analysis of violations here excludes all those who were selling potentially protected wildlife, and assumes that the rest of the individuals identified hold a wildlife trading licence; while in reality it is unlikely that any restaurant has explicitly included wild animal trading in their business registration, which means all restaurants selling wildlife meat dishes are in principle illegal.

**Table 10: No. violations reported to have been committed by or observed from wildlife trading individuals during survey**

	Hunt	Trap	Shoot	Catch	Raise	Keep	Kill	Buy	Sell	Store	Process	Transport	Total
Individuals trading in protected species	0	4	0	1	3	10	17	51	52	9	46	10	203
Individuals trading in potentially protected species	1	0	0	2	2	3	1	9	13	1	8	2	42
<b>Total</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>13</b>	<b>18</b>	<b>60</b>	<b>65</b>	<b>10</b>	<b>54</b>	<b>12</b>	<b>245</b>

### **Corruption, collusion, and leniency by law enforcement officers**

Twenty accounts of leniency, collusion, and corruption were reported by individuals involved in the wildlife trade during interviews across all surveyed districts in Quang Binh province and for restaurant owners, traders and wildlife farm managers (Table 11), suggesting a widespread and common problem.

Roughly a third of restaurants (19/68) claimed to serve government officials wildlife meat, with six individuals stating that officials were regular and even referred to as 'exclusive' customers. Whilst the consumption of wildlife meat is not necessarily a violation it is noteworthy that 45% (9/20 interviewees) who reported officials' consumptions also provided information on corruption, collusion, and leniency from the authorities.

**Table 11: All twenty-two accounts of corruption, collusion, and leniency as reported by individuals**

District	Commune	Name of restaurants, farms, or individuals	Account
Dong Hoi	Bac Ly	Restaurant:	Officials are regular customers of restaurant, and offer

		Huong Rung Quan	protection from prosecution
	Bao Ninh	Restaurant: Sun Spa Resort	According to reports, restaurants in this resort would arrange private banquets for clients who order specifically wildlife meat. This was confirmed by investigators. It was also said that government officials, who are regular customers of this resort, often utilise this service.
	Hai Thanh	Restaurant: 30-4 hostel	Officials from district offices were involved in sharing a tiger with restaurant owner and making tiger bone glue from it for own use. Owner also mentioned that one law enforcement military office still uses wildlife openly
	Dong Son	Restaurant: Hong Hai	This restaurant was locally famous for serving wildlife meat and was recommended by locals Investigator confirmed that they serve monitor lizard, a protected species, and other animals in potentially protected taxa. According to staff in Hong Hoi, they tried to bribe the FPD but money was refused. This restaurant opened a new branch in Dong My. On the opening night many officials' cars were seen parked outside the restaurant. Investigators were not able to survey this restaurant. Nonetheless because it is managed by the same person, it is possible that this branch is also involved in illegal wildlife trade.
	Bac Nghia	Truong Sinh Farm	Owner was also manager of a hotel belonging to military
Bo Trach	Son Trach	Restaurant: Anh Son	Owner used to work close to the president. A picture of them together was hung in the hotel reception
	Trung Trach	Restaurant: Loc Vung	Owner's husband is a policeman from Bo Trach district police office
	Son Trach	Restaurant and trader: Hong Nhung	Trader shares profit with people from management units. Trader also complained that the FPD confiscate wildlife from traders without making official minutes or providing official documents. Trader believes they resell them instead of releasing the animals confiscated.
	Phuc Trach	Restaurant: Tam Giang	Restaurant mostly serves wildlife meat privately to government officials. Inspectors secretly inform restaurant owner when inspection team comes
	Unknown	Restaurant: Mooc	Run by a member of Phong-Nha management board, and serves wildlife only when they are required and pre-ordered by customers.
	Thanh Trach	Restaurant: Hoai Thu (Karaoke)	Government officials secretly inform restaurant owner when inspection team comes
	Hoan Lao	Restaurant: Thay Tam	Mostly serves wildlife meat privately to government officials. Inspectors secretly inform restaurant owner when inspection team comes
	Son Trach	Restaurant: Son Tinh	Mostly serve wildlife meat privately to government officials. Inspectors secretly inform restaurant owner when inspection team comes
	Phuc Trach	Restaurant: Huyen Trang	Inspectors secretly inform restaurant owner when inspection team comes
Minh Hoa	Hoa Tien	Restaurant: Cay Bang	Owner is the brother-in-law of vice chairman of Minh Hoa district committee. Inspected by FPD many times but still operating
	Quy Dat	Hunter: Thinh and Danh	Paid bribes to FPD when he transported wildlife meat pass checkpoints
	Unknown	Trader: Ms. Hoa	Close friends with officials working at the gate, has bribed FPD with wildlife meat so they would let her through

	Unknown	Trader: Ms. Kieu	Brother-in-law works in law enforcement agency (Luan: 0164539)
Quang Ninh	Hien Ninh	Restaurant: Hue Binh House	Close to authorities so he does not get inspected by agencies very often
	Hien Ninh	Trader: Brothers Thang and Cong	When asked how they deal with agencies, owner said they provide (unspecified) benefits to officials in return for protection from law enforcement



**Figure 1** Huyen Nga restaurant (Address: 5B, Co Tam, Hai Dinh, Dong Hoi) is situated directly opposite to the provincial Market Control office in Dong Hoi City. This restaurant claimed to serve monitor lizards, porcupines, turtles, and civets, and also implied the consumption of wildlife meat by government agency members.





**Figure 2 A red-plated (army-owned) vehicle (number plate KD 7588) parked in a restaurant in Son Trach, Bo Trach, that served Decree 32 category IB listed wildlife**

## 2. Timber trade

The number of individuals identified for trading illegal timber is considerably less than those identified from the wildlife trade investigation. This is due to the reduced survey effort, and a comparatively lower number of accessible outlets to investigate. Across Dong Hoi, Bo Trach, and Quang Ninh, 26 individuals directly related to the illegal timber trade were identified (Table 12). These include timber traders, transporters and loggers. Additionally five individuals were included in the report for their indirect links with timber traders; these include one taxi driver who was also a middleman, linking illegal timber consumers timber trade outlets; two restaurant owner who were consumers of illegal timber and were willing to act as middlemen for investigators; and two restaurant owners who had seen many transactions of timber products in the restaurant. The information from these individuals is included as part of the survey result (Table 13). The following will state explicitly when information from these additional sources is cited.

**Table 12: Number of individuals identified to be directly involved in the trade of illegal timber, and the number of individuals identified to be indirectly related to the illegal timber trade (in parentheses)**

Interviewee identity	Dong Hoi	Bo Trach	Quang Ninh	Total
Logger	0	2	1	3
Trader	3	16	1	20
Restaurant	(1)	1 (3)	0	1 (4)
Taxi driver	(1)	0	0	(1)
Transporter	0	0	1	1
Total	3 (2)	19 (3)	3	24 (5)



**Figure 3** Tea set made from huê owned by wildlife restaurant owner of Thanh Tam, who also traded timber (with participation from other family members)

- *Protected species of timber in trade:*

A total of 11 taxa of timber were reported as in trade during the survey period (Table 14). During investigations individuals only gave Vietnamese common names of timber, some of which were at the species level, but many represented a group of species. Following the list of plant species protected under Decree 32/2006/ND-CP, four species were identified. Similar to the wildlife trade, often it is not clear whether traders were referring to a protected species or a non-protected species within a genus. In this study, six timber traders indicated the availability of all timber from the genus *Sindora*, which includes two Decree 32 category IIA-listed species. For the purpose of this study these timbers are listed as potentially-protected. The CITES database was also utilized to verify the international trade statuses of the timber mentioned, but just one species was identifiable by its scientific name (*Aquilaria crassna*).

**Table 14:** Timber taxa or species reported by timber trading individuals as arranged by reported frequency

Vietnamese name	Reported frequency	Scientific name	D32 protection status	CITES status
Huê	12	<i>Dalbergia tonkinensis</i>	IA	Not listed
Tau	12	<i>Vatica spp.</i>	Not listed	Not listed
Lim	8	<i>Unknown</i>	Not listed	Unknown
Chua	6	<i>Embelia ribes</i>	Not listed	Not listed
Go	6	<i>Sindora spp.</i>	Potentially	Not listed
Sen	5	<i>Shorea spp.</i>	Not listed	Not listed
Tram	3	<i>Aquilaria crassna</i>	Not listed	II
Quao	2	<i>Dolichandrone spp.</i>	Not listed	Not listed
Gụ lau	1	<i>Sindora tonkinensis</i>	IIA	Not listed
Gụ mật	1	<i>Sindora siamensis</i>	IIA	Not listed
Lim Xanh	1	<i>Erythrophloeum fordii</i>	IIA	Not listed

**Note:** The protection status of ‘lim’ timber is unknown as it is not identifiable on Decree 32/2006/ND-CP, and the precise genus is not known.

- *Sources and destinations*

The 26 timber-trading individuals identified 11 source locations and seven destinations for timber. Although the precision of these named locations vary; some traders indicated entire districts as sources while others named specific communes, all named locations are included here for comprehensiveness.

- *Local sources and destinations:*

Traders reported to source much of their timber locally. The most commonly named sources were Truong Son SFE and Ba Ren (eight and seven reports respectively), both are situated within Quang Binh. The PNKB NP is a part of the Truong Son forest and it is connected to Ba Ren forest by U Bo mountain. Truong Son SFE is the only source to be reported by individuals from all three districts within the limited sample size.

Surveys in Dong Hoi identified five individuals related to the timber trade, including three timber traders, one taxi driver, and one restaurant owner who had knowledge on the trade, the two latter individuals were not directly involved. Dong Hoi is the most commonly reported local destination for illegal timber; 14 reports indicated the transport of timber and timber products to Dong Hoi (Two from Quang Ninh, and 12 from Bo Trach) (Table 15); investigations were unable to ascertain if Timber stays in Dong Hoi or is traded elsewhere.



**Figure 4 Timber products, including huê products, which belongs to Decree 32 category IA, on display in a souvenir shop near Thien Duong Cave (Paradise Cave)**

- *Cross-border sources and destinations:*

Information collected provides limited detail on the sources and destinations beyond Vietnam's international border, but the general pattern appears to be similar to that of the illegal wildlife trade, with the only report on imported timber from outside of Vietnam being from Lao PDR. According to this individual his trade from Lao PDR was legal. Investigators were unable to

verify this claim. Transnationally illegal timber was reportedly destined for China (eight reports) (Table 16). All eight reports from timber traders (all from Bo Trach) imply that traders ('businessmen' and 'tourists') from China would purchase timber and timber products from local Quang Binh traders in person. One trader from Bo Trach stated that he often opened his house to regional and foreign traders at night (to avoid law enforcement), including Chinese traders, for auctions on timber.

It appears that Chinese traders and consumers are using Quang Binh as a timber sourcing location. This is supported by additional information provided by five individuals who revealed in-depth knowledge on the timber trade. These five individuals include four restaurant owners from Dong Hoi and Bo Trach (two from each district), and one taxi driver from Dong Hoi. They reported to have seen an increasing number of Chinese visitors purchasing timber and timber products in the province. According to these individuals, traders and buyers had been observed to gather in restaurants to complete the transactions of timber products (three reports). One restaurant owner reported that a Vietnamese person guided the Chinese visitors. Some restaurant owners also appeared to have strong connections with these traders; two restaurant owners suggested to bring investigators to these little-known locations.

Six timber trading individuals were also involved in the trading of wildlife. All of these traders indicated wildlife smuggling as a supplementary activity to timber transporting to maximize their monetary gain from each shipment.

**Table 15: Number of reports on each source of timber in each district**

Sources	Dong Hoi	Bo Trach	Quang Ninh	Total
A Rom, Tan Trach, Quang Binh	0	1	0	1
Ba Ren forest, Quang Ninh, Quang Binh	0	7	0	7
Ca Roong, Thuring Trach, Quang Binh	0	1	0	1
Lao PDR	0	1	0	1
Minh Hoa forest, Minh Hoa	0	2	0	2
Minh Hoa	0	2	0	2
PNKB forest, Bo Trach, Quang Binh	1	0	0	1
Tan Trach, Bo Trach, Quang Binh	0	2	0	2
Thuong Trach, Bo Trach, Quang Binh	0	2	0	2
Truong Son forest, Quang Binh	1	5	2	8
Xuan Trach, Bo Trach, Quang Binh	0	1	0	1

**Table 16: Destinations as reported by individuals directly involved in the timber trade**

Destinations	Bo Trach	Quang Ninh
Bac Trach, Quang Binh	3	0
Bo Trach, Quang Binh	3	0
China	8	0
Dong Hoi, Quang Binh	12	2
Hoan Lao, Bo Trach, Quang Binh	1	0
Ly Hoa, Hai Trach, Bo Trach, Quang Binh	4	0
Northern Provinces	6	0
<b>Total</b>	<b>37</b>	<b>2</b>

### **Law enforcement and leniency:**

Our survey results have highlighted some gaps in law enforcement effort relating to the timber trade. Many traders acknowledged the illegal nature of their trade; five individuals from Bo Trach mentioned that their products were only transported during the evening hours to avoid detection. Despite this reported deterrent effect by law enforcement agencies, one timber (and wildlife)

transporter stated that the authorities never inspect shipments. Furthermore the obtainment of legal permits to transport timber does not imply that timber originates from legal sources. Six out of seven individuals who reported to obtain official permits to transport their timber traded in potentially-protected timber (go, *Sindora spp.*).

Although there was no corruption reported from the 26 individuals trading timber; that is, no individual stated explicitly that local authorities had taken bribes from timber trading individuals; there is evidence for leniency from local law enforcement authorities who aided the trade of illegal timber. Eight individuals (two from Dong hoi and six from Bo Trach) mentioned their 'good relationships' with local authorities during interviews. Two out of these eight individuals also stated that the authorities helped make the process of obtaining permits for transportations easier.



## DISCUSSION

Surveys identified 91 individuals directly involved with wildlife trade, including hunters, traders, farm owners, and restaurant owners. At least 79% of these individuals reported to trade in species that are protected (e.g. bear, gibbon, pangolin, tiger, monitor lizards) or taxon groups that include protected species (e.g. hard-shell turtle, civet, snake). The rapid nine-day survey focusing on the status of timber trade identified 26 individuals trading timber, most commonly the strictly-protected Huê timber (*Dalbergia tonkinensi*), and highlighted a strong local trade network; with most traders sourcing timber from areas in Quang Binh province.

Whilst the wildlife trade surveys were unable to conclude with any certainty the comparative importance of different sources and destinations in terms of volumes of different species, what is clear is that Phong Nha and surrounding forests remain an important source for wildlife that is consumed locally in addition to being traded nationally and to China. Local, urban-based restaurants were found to remain a major demand market for wildlife in the province with 82% (68 out of 83) of the restaurants investigated across 26 communes serving wildlife, with 71% offering protected taxa.

The survey supported the conclusions of the recent PPMU-commissioned also authored by WCS, 'review of legal and institutional frameworks and forest crime information management' in that enforcement in the project region is weak. In 44.5 days of survey effort, 203 acts of violation on wildlife protection and management regulations (following Decree 99/2009/ND-CP) were recorded from the testimony of 51 individuals trading in protected wildlife, representing an absolute minimum of violations occurring on a daily basis within the province. This figure is put in context when you consider that there have been only 61 cases of violations of regulations on the protection and management of wildlife over a six year period recorded by all agencies across the whole of Quang Binh province.

### *A forest crime monitoring system is required*

This relatively rapid survey has collected some important information and whilst this will help in identifying key geographic area and individuals; it should be understood that this information is insufficient to design enforcement campaigns and since it was collected in a relatively un-standardised manner it will not allow monitoring from previous baselines or future surveys. Furthermore, given that this information was collected by an NGO it is also likely it will be a point of dispute for a number of individuals within the provincial government. The present survey similar to the 2004 survey provides a snapshot of the status of illegal wildlife trade over a relatively restricted time-frame. To complement the law enforcement monitoring system recommended in our parallel report we believe a similar system is required to provide objective and reliable measures to wildlife crimes in the province that will allow the impact of enforcement actions to be more effectively measured. This would combine the use of professional intelligence analytical software (e.g. i2) with regular surveys gathering a standardized set of data over regular intervals e.g. prevalence of protected wildlife on offer in restaurants.

### *Son Trach commune, Bo Trach district should be the provinces top priority for wildlife crime enforcement*

The data collected found Bo Trach to have the highest number of restaurants trading in wildlife (97%, 31 out of 32), the highest number of individuals trading in Decree 32-listed species (77%, 24 out of 31), the highest percentage of restaurants selling wildlife meat publicly (48%, 15 out of 32), as well as the highest number of reports on corruption, collusion and leniency (nine out of

22). As the district where the Phong-Nha-Ke Bang National Park offices are located, this represents a high-impact target for a sustained law enforcement campaign aiming to eliminate the illegal trade in wildlife operating in these restaurants. This would not only be an important achievement in terms of impacts on the local wildlife trade network, but it would provide a public stage for the strengthened commitment of the provincial agencies to combat this crime. Due to the frequency of reports on corruption and collusion from this area it would be of critical importance that this enforcement campaign is not led by local authorities – but instead coordinated by a carefully-selected team of officers with no prior working or personal connections to this location and be coordinated by the provincial agencies.

#### *Specific action should target Chinese traders in Quang Binh*

The involvement of Chinese traders and consumers in Quang Binh province emerged from this survey and requires targeted actions. The reported growing trend of Chinese travelling into Quang Binh for timber and timber products is unlike that of the wildlife trade, and requires further investigation by the authorities. For example, it is important to understand how much illegal timber are being smuggled through the Vietnamese borders; which border gates are being exploited by these individuals; and how these individuals are transporting their illegal timber products back into China.

#### *Awareness of local people is not the major challenge*

A total of 22 accounts of corruption, collusion, and leniency with law enforcement/government officials were collected through the testimony of the 91 individuals involved in the wildlife trade. In addition around a third of restaurants claimed to regularly serve government officials. Throughout the investigation, interviewees repeatedly reminded surveyors about the illegality of wildlife trade. Some restaurants that claimed to illegally source and sell protected wildlife even displayed wildlife conservation posters on their walls. Our survey found that wildlife is openly available and publicly sold throughout the province including in the provincial capital of Dong Hoi as well as in Son Trach commune (the location of the PNKB NP headquarters) and that where government officials are a stated customer they are also likely involved in ‘protecting’ the restaurants operation. Therefore, it would suggest that for people who illegally trade in protected species, low awareness of its criminality does not sufficiently explain why these individuals continue to violate the law. In fact our results from this survey and our parallel report<sup>10</sup> would suggest that weak enforcement of wildlife protection laws in the province with a corresponding culture of corruption, leniency and collusion of government officials towards illegal wildlife traders has resulted in a relatively low opportunity cost of their participation in this crime, with little risk of interception or punishment.

#### *The re-sale of wildlife weakens the effectiveness of law enforcement agencies*

A number of wildlife traders and restaurants claimed that enforcement officers had confiscated their products only to re-sell the products to other traders or restaurants for profit. Whilst they believed this to be done illegally and were presenting this as a weakness of the agencies, it is possible that the officers were actually following regulations that allow the re-sale of confiscated wildlife under certain conditions<sup>11</sup>. Besides from the loopholes this creates for laundering of illegally sourced wildlife it also lowers the integrity of the FPD in the eyes of the public, an important feature in crime prevention.

#### *Conclusion*

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<sup>10</sup> WCS. 2013. A review of legal and institutional frameworks and forest crime information management.

<sup>11</sup> Circular 90/2008/TT-BNN

In 2004, a report commissioned by FFI on the threats posed by wildlife trade to PNKB NP concluded that the key areas for enforcement, that would have most impact would be a strategy that targets corruption of enforcement agencies (with involvement of relevant central-level agencies), the cessation of the consumption of wildlife meat in restaurants (to include restaurant raids, restaurant signed commitments to not selling wildlife meat, and undercover monitoring) and enforcement of a number of priority wildlife traders (to include further investigations involving surveillance, property raids, sting operations, and strengthening of informant networks). Unfortunately, the data collected on these surveys suggests that whilst the individuals involved in these crimes may have changed, it would appear that the wildlife trade networks remain intact and active and these recommendations from around a decade ago remain valid today.



## ANNEX 1: IDENTIFIED WILDLIFE TRADING INDIVIDUALS:

Restaurant	ID	Name	Address	District
	1	Anh Dao	So 6, Nguyen Van Troi, Cau Dai, TP Dong Hoi, Quang Binh	Dong Hoi
	2	Minh Hue	297-Ha Huy Tap-Truoc cong vien Dong Son,TP. Dong Hoi	Dong Hoi
	3	Tan Tay Ho (Bao Tram co, ltd)	Tieu Khu 7, P.Dong Son, TP.Dong Hoi, Quang Binh	Dong Hoi
	4	Son Huong	55 Duong, Thanh Nien, TP.Dong Hoi	Dong Hoi
	5	Huyen Nga	5B, Co Tam, T.P Dong Hoi, Quang Binh	Dong Hoi
	6	Tan Truong Xanh (Cong Ty TNHH Truong Xanh)	36 Xuan Dieu, P.Nam Ly, TP. Dong Hoi, Quang Binh	Dong Hoi
	8	Huong Rung Quan	252 Ly Thuong Kiet, TP. Dong Hoi, Quang Binh	Dong Hoi
	10	Sun Spa Resort	My Canh, Bao Ninh, Dong Hoi, Quang Binh	Dong Hoi
	11	Lam Tam	To 5, TK8, Dong Son, Dong Hoi	Dong Hoi
	12	Duc Khoung	TK8, Dong Son, Dong Hoi	Dong Hoi
	13	Hung Xoan	278 Ly Thai To, Dong Son, Dong Hoi, Quang Binh	Dong Hoi
	14	Ngoc Chau 2	288 Ha Huy Tap, P. Bac Nghia, Dong Hoi	Dong Hoi
	15	Dai Nam	Duong Xuan Bo, khu 525, phuong Nam Ly, TP. Dong Hoi, Quang Binh	Dong Hoi
	16	Lieu Nga		Dong Hoi
	17	Tan Thuan	112, Le Loi, TP.Dong Hoi, Quang Binh	Dong Hoi
	20	30-4 hostel	Truong Phap road, Hai Thanh ward	Dong Hoi
	29	Sai Gon Quan	162 Quang Trung, Phu Hai	Dong Hoi
	30	Phung Haong	26 Tran Nhan Tong road, Dong Phu ward	Dong Hoi
	32	Minh Phuong	13 TKg, Dong Phu ward	Dong Hoi
	33	Hoa Phat	252 Ly Thuong Kiet, Dong Phu ward	Dong Hoi
	36	Song Than	near Nhat Le river	Dong Hoi
	37	Hong Hai (Dong My branch)	34 Phan Boi Chau,Thanh Phuong, Dong My (300 – 500 m away from the main road)	Dong Hoi
	38	Hong Hai	TK6, Dong Son ward, Ly Thai To road	Dong Hoi
	42	Mr Thu and Mrs Thiet	Small urban area number 3, Nam Ly ward, Dong Hoi district, Quang Binh province	Dong Hoi
	43	Thien Thanh Hotel	Xa Son Trach, Huyen Bo Trach, Tinh Quang Binh	Bo Trach
	44	Khach San Binh Minh	Phong Nha, Son Trach, Bo Trach, Quang Binh	Bo Trach
	45	Thanh Nhan	TTDL Phong Nha, Son Trach, Bo Trach, Quang Binh (Cach ben xe 100m Ve phia Dong)	Bo Trach
	46	Thanh Tam	Phong Nha, Son Trach, Bo Trach, Quang Binh	Bo Trach
	47	Thu Hue	Son Trach, Bo Trach, Quang Binh	Bo Trach
	48	Vung Hue	Phong Nha, Son Trach, Bo Trach, Quang Binh	Bo Trach
	49	Anh Son	Khu Du lich Phong Nha Ke Bang, Bo Trach, Tinh Quang Binh	Bo Trach
	50	Hua Phuong	Phong Nha, Son Trach, Bo Trach, Quang Binh	Bo Trach
	51	Unknown BT1	Address not obtained, but restaurant is the first restaurant situated to the right of the entrance of the Centre for Tourism	Bo Trach
	52	Unknown BT2	Hoan Lao, Bo Trach	Bo Trach

	53	Loc Vung	nearby 1A highway, sub-village 8, Trung Trach village, Bo Trach district	Bo Trach
	55	Phuong Nam I	Co So I, Dong Phong Nha, Son Trach, Bo Trach	Bo Trach
	56	Hong Nhung	Phong Nha cave, Son Trach, Bo Trach	Bo Trach
	57	Thu Huong		Bo Trach
	58	Thanh Dat	near the pier	Bo Trach
	59	Thuy Linh	near the pier	Bo Trach
	60	Ms. Cuc	near the pier	Bo Trach
	61	Paradise	near the pier	Bo Trach
	62	Phuong Nam II	Co So II, Dong Thien Duong, Phuc Trach, Bo Trach	Bo Trach
	63	Tam Giang	opposite Trooc FPD, Phuc Trach commune, Bo Trach, Quang Binh	Bo Trach
	64	Mooc		Bo Trach
	65	Minh Dan	Xuan Trach, Bo Trach, Quang Binh	Bo Trach
	66	Hien Trang	hamlet 4 (Trooc), Phuc Trach, Bo Trach, Quang Binh	Bo Trach
	67	Hoai Thu (Karaoke)	Thanh Vinh hamlet, Thanh Trach commune, Bo Trach, Quang Binh (near Thanh Khe bridge, disguised under a karaoke restaurant)	Bo Trach
	68	Thay Tam	Region 2, Bau Ri, Hoan Lao town (located at Rong house)	Bo Trach
	70	Son Tinh	opposite Phong Nha FPD, Bo Trach, Quang Binh	Bo Trach
	71	Dung Huong	Sub-region 1, Viet Trung farm town, Bo trach	Bo Trach
	72	Viet Hong	1A highway, sub region 2, Hoan Lao town	Bo Trach
	73	Huyen Trang	near Trooc Cu market, Phuc Trach commune, Bo Trach, Quang Binh	Bo Trach
	74	Hoai Thu	Region 3, Viet Trung farm town, Bo Trach	Bo Trach
	75	Song Dinh	Region 1, in the front of Viet Trung farm, Bo Trach, Quang Binh	Bo Trach
	76	Viet Xuan	Tuy Dat, Minh Hoa	Minh Hoa
	77	Unknown MH1	(Besides Minh Hoa High School)	Minh Hoa
	78	Huong Linh	Tuy Dat, Minh Hoa	Minh Hoa
	79	Ha Quynh	Tuy Dat, Minh Hoa	Minh Hoa
	80	Nguyen Long		Minh Hoa
	86	Cay Bang	Hoa Tien market, Hoa Tien ward, Minh Hoa district	Minh Hoa
	87	Kim Oanh / Ut Phuong	Ho Chi Minh hightway, Hoa Tien ward, Minh Hoa district	Minh Hoa
	89	Nghe Tam	QL.1A, Tieu Khu 5, TT.Quan Hau, Quang Ninh, Quang Binh	Quang Ninh
	90	Chang Chang Restaurant	Nhà hàng Chang chang. Địa chỉ: Quốc lộ 1A, Lương Ninh, Quảng Ninh, Quảng Bình	Quang Ninh
	91	Hong Luan	Next to Xuan Ninh ward committees	Quang Ninh
	92	Mrs Thuy	Cồn Soi, subregional 2, Quan Hau town, Quang Ninh district, Quang Binh	Quang Ninh
	99	Thanh Van Restaurant	Xom Cho, Hien Ninh commune	Quang Ninh
	100	Hue Binh House	Co Hien village, Hien Ninh commune	Quang Ninh
Trader	82	Ms. Hoa		Minh Hoa
	83	Ms. Kieu		Minh Hoa
	84	Duan		Minh Hoa
	85	Be	Hoa Hop	Minh Hoa

	96	An & Vien	Phu Due Village	Quang Ninh
	97	Dung & Linh	Xuan Duc 1 village, Xuan Minh commune	Quang Ninh
	98	Thang & Cong	Xom Cho, Hien Ninh commune	Quang Ninh
	101	Mr. Tu (a.k.a Tu “cow”)	XD3 village, Xuan Ninh commune	Quang Ninh
	102	Mr. Mau	Xuan Duc village, Xuan Ninh commune	Quang Ninh
	103	Tien & Kien	Long Dai village, Hien Ninh commune	Quang Ninh
	104	Hieu & Nghe	Xuan Duc village, Xuan Ninh commune	Quang Ninh
<b>Farm Manager</b>	7	Truong Xanh Farm	Small urban area 13, Nam Ly, Dong Hoi, Quang Binh	Dong Hoi
	39	Hung Bien Ltd. Co	Cửa Phú village, Bao Ninh ward, Dong Hoi district, Quang Binh	Dong Hoi
	40	Truong Thinh Farm	Village 3, Thanh Tan cooperation, Thanh Thuy ward, Le Thuy district, Quang Binh	Le Thuy
	41	Truong Sinh Farm	Small urban area 9, Bac Nghia ward, Dong Hoi district, Quang Binh province	Dong Hoi
	42	Mr Thu and Mrs Thiet	Small urban area number 3, Nam Ly ward, Dong Hoi district, Quang Binh province	Dong Hoi
	105	Cat Ngoc	Tan Dinh village, Hai Ninh commune	Quang Ninh
	106	Hoa Tung	n/a	Quang Ninh
	107	Mr. Thang	Xuan Hai village, Hai Ninh commune	Quang Ninh
<b>Hunter</b>	81	Thinh and Danh	Tuy Dat, Minh Hoa	Minh Hoa
	88	Cong	Hoa Tien, Minh Hoa (near cave area)	Minh Hoa
	93	Mr. Canh	Village 1, Le Ky, Vinh Ninh commune.	Quang Ninh
	94	Mr. Tuan	Village 1, Le Ky, Vinh Ninh commune.	Quang Ninh
	95	Mr. Tuan	Phu Due Village	Quang Ninh