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ASEAN HANDBOOK ON LEGAL COOPERATION TO COMBAT ILLEGAL WILDLIFE TRADE 2021

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The preparation of this Handbook would not have been possible without the documents, data, and information provided by the ASEAN Member States (AMS) (through the AWG CITES and Wildlife Enforcement focal points of each AMS) in response to questionnaires, review of the drafts, the technical consultation meetings, and AMS interviews. This process was facilitated by the ASEAN Secretariat, Thailand as lead shepherd country on CWT, and the leadership of Malaysia as Chair of AWG CITES and Wildlife Enforcement.

While many of the laws are provided by the AMS, further research has also been made into the laws and regulations, in particular for English versions available on open-source websites, including but not limited to, the various government agencies' official websites, FAOLEX, ECOLEX, and InforMEA.

This Handbook is jointly developed by Ms Sallie Yang (UASID Wildlife Asia) and Ms Patti Moore (consultant). Ms Mary Elizabeth Miranda developed chapter 2.3 on the Illegal Wildlife Trade and the One Health Collaboration and Coordination in ASEAN through the support of WWF. The focal points of the ASEAN Working group on CITES and Wildlife Enforcement have reviewed and made substantial contribution to this regional compilation.

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ACRONYMS

ACC	ASEAN Coordinating Council
ACCAHZ	ASEAN Coordinating Center for Animal Health and Zoonoses
ACRF	ASEAN Comprehensive Recovery Framework
AIPA	ASEAN Inter-parliamentary Assembly
AMAF	ASEAN Ministerial Meeting on Agriculture and Forestry
AML	Anti-money laundering
AMMTC	ASEAN Ministers Meeting on Transnational Crime
AMS	ASEAN Member State(s)
APG	Asia Pacific Group on Money Laundering
ASEAN	Association of Southeast Asian Nations
ASEAN-WEN	ASEAN Wildlife Enforcement Network
ASOF	ASEAN Senior Officials on Forestry
AWG	ASEAN Working Group
BN	Brunei Darussalam
CBD	Convention on Biological Diversity
CFT	Combating the financing of terrorism
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CWT	Counter wildlife trafficking
FATF	Financial Action Task Force
ID	Indonesia
IWT	Illegal Wildlife Trade
KH	Cambodia
LA	Lao PDR
MLA	Mutual legal assistance
MM	Myanmar
MOU	Memorandum of Understanding
MY	Malaysia
OIE	World Animal Health Organization
PH	Philippines

POA	Regional Plan of Action for ASEAN Cooperation on CITES and Wildlife Law Enforcement 2021-2025
SG	Singapore
SMART	Spatial Monitoring and Reporting Tool
SOM AMAF	Senior Officials Meeting (SOM) - ASEAN Ministerial Meeting on Agriculture and Forestry
SOMTC	Senior Officials Meeting on Transnational Crime
SPS	World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures
TH	Thailand
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
USAID	United States Agency for International Development
VN	Viet Nam
WAHIS	World Animal Health Information System
WTO	World Trade Organization
WTT	Wildlife and timber trafficking
WWF	World Wide Fund for Nature

1 INTRODUCTION

1.1 BACKGROUND

Illegal wildlife trade is a serious transnational environmental crime. The United Nations has recognized it as the fourth-largest transnational crime in the world after drugs, human trafficking, and counterfeiting. It decimates endangered species and negatively impacts economic, environmental, and political stability. The value of the illegal wildlife trade has been estimated at between $10 and $23 billion per year [1], making wildlife crime one of the most lucrative illegal businesses, often run by sophisticated, well-organized international criminal networks seeking to exploit the high rewards and low risks of the trade.[2] At the local level, poaching is also the result of poverty, corruption, inadequate enforcement, and political instability.

In the wildlife trafficking chain, the ASEAN region has been mainly targeted as transit and/or destination countries. As wildlife crime moves to the internet and online transactions take place, it is imperative that the cybercrime and financial crime sectors together are also involved in the fight against wildlife trafficking.

The ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime[3] was developed during the USAID ARREST program to provide law and policy makers, criminal justice officials, and law enforcement officials from the ASEAN region with a strategic approach to deploying an arsenal of hard and soft laws and other associated tools for the prosecution of wildlife crimes.

The ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime was launched in January 2016, in partnership with the ASEAN Wildlife Enforcement Network (ASEAN WEN) and the ASEAN Inter-parliamentary Assembly (AIPA). The 2016 Handbook was adopted by AIPA, ASEAN-WEN, and the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) Working Group on Illegal Timber and Wildlife Trafficking as a toolkit for regional and national policy and legislative considerations and implementation. It provides law and policy makers, criminal justice officials, and law enforcement officials with legislation and tools for the prosecution of wildlife crimes, including information on international cooperation, mutual legal assistance (MLA), anti-money laundering statutes, and extradition. The 2016 Handbook also provides guidance on how national and regional tools might be relevant to the investigation and prosecution of wildlife crime cases, and in processing or considering requests for assistance across ASEAN borders. The handbook complements existing ASEAN and United Nations tools on combating transnational organized crimes, in particular the ASEAN Handbook on International Legal Cooperation in Tracking in Persons Cases and the Wildlife and Forest Crime Analytic Toolkit, both published by the United Nations Office on Drugs and Crime (UNODC).

The Strategy Plan of Action for ASEAN Cooperation in Forestry has been operationalized since 2016 and will continue to be implemented until 2025. One of the priorities under the ASEAN Cooperation on Forestry is CITES and wildlife enforcement. The ASEAN Working Group (AWG) on CITES and Wildlife Enforcement are contributing to ensure sustainable forest management, in particular addressing illegal wildlife trade as one of the biggest threats facing the ASEAN region.

[1] https://www.adb.org/sites/default/files/publication/490006/addressing-illegal-wildlife-trade-philippines.pdf
[2] All amounts are given in U.S. dollars based on 2019 World Bank exchange rates. https://data.worldbank.org/indicator/PA.NUS.FCRF
[3] http://wildlifeprotectiontools.net/wp-content/uploads/2019/07/ASEAN-Legal-Handbook.pdf

In March 2019, ASEAN ministers convened at the Special ASEAN Ministerial Meeting on Illegal Wildlife Trade, which resulted in the Chiang Mai Statement of ASEAN Ministers Responsible for CITES and Wildlife Enforcement on Illegal Wildlife Trade setting the mandate and directions for tackling illegal wildlife trafficking in the region. During the Special Ministerial Meeting, USAID Wildlife Asia, the Department of National Parks, Wildlife and Plant Conservation of Thailand, and the CITES Secretariat convened and facilitated a Partners Dialogue on Illegal Wildlife Trade which produced an informal partners statement of priorities and areas of cooperation, which was delivered to the ministers by the CITES Secretary-General.

In line with the guidance during the Special ASEAN Ministerial Meeting on Illegal Wildlife Trade, the AWG on CITES and Wildlife Enforcement, with Thailand as its Voluntary Lead Shepherd for counter wildlife trafficking CWT, followed through on the commitments in the Chiang Mai Statement by developing the Plan of Action (POA) for ASEAN Cooperation on Cites and Wildlife Law Enforcement 2021-2025.

At the 23rd ASEAN Senior Officials on Forestry (ASOF) Meeting in October 2020, AMS agreed to develop an updated ASEAN Handbook on Legal Cooperation to Combat Illegal Wildlife Trade as one of key deliverables for ASEAN Cooperation in Forestry 2021. Subsequently the Senior Officials Meeting (SOM) - ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) adopted this as a key deliverable for food, agriculture, and forestry cooperation in 2021.

Policy framework related to ASEAN cooperation in food, agriculture and forestry

We expressed satisfaction on the progress made in the implementation of the Strategic Plan of Food Agriculture and Forestry (SP-FAF) 2016-2025, including the achievement of key deliverables in 2020. We endorsed the Mid-Term Review of the Vision and Strategic Plan for ASEAN Cooperation in Food, Agriculture and Forestry (SP-FAF), 2016-2025 and its Sectoral Plans of Action 2016-2020, which highlighted the key challenges, opportunities and recommendations for the sector in the years to come. In this regard, we noted with satisfaction the progress in the implementation of the key deliverables for the food, agriculture and forestry sector in 2020, and adopted 10 indicative deliverables across livestock, crops, fisheries and forestry in 2021, among others the development of the Regional guidelines for prudent use of antimicrobials in aquaculture and ASEAN Handbook on Legal Cooperation to Combat Illegal Wildlife Trade.

- THE FORTY SECOND MEETING OF THE ASEAN MINISTERS ON AGRICULTURE AND FORESTRY (The 42nd AMAF) 21 October 2020, Cambodia Video Conference JOINT PRESS STATEMENT

The 2021 ASEAN Handbook on Legal Cooperation to Combat Illegal Wildlife Trade is a timely update to the 2016 Handbook, as many AMS have improved their wildlife protection and enforcement laws over the past five years. In addition to providing updates and enhancements reflecting legislative and policy changes since 2016, the updated Handbook will incorporate relevant information and policy guidelines on zoonotic diseases and COVID-19, reflecting a One Health Approach, which is the convergence of environmental, animal, and human health, in the context of the illegal wildlife trade. The Handbook is expected to be adopted by the 43rd AMAF Meeting in the fourth quarter of 2021, in Indonesia.

1.2 OBJECTIVES

The key objectives of developing the ASEAN Handbook on Legal Cooperation to Combat Illegal Wildlife Trade are to:

1. Provide a resource, reference, and tool to support law and policy makers both nationally and in the region to strengthen relevant laws and policies on illegal wildlife trade;
2. Enhance capacity of policy makers, law enforcers, and other stakeholders to recognize, deter, and prevent wildlife crime;
3. Exchange best practices and knowledge in developing rules and policies related to combating illegal wildlife trade;
4. Expand cross-border and interagency cooperation to further strengthen legal and policy-based deterrents to wildlife crime between ASEAN member countries;
5. Provide relevant information on legislation and policy guidance on COVID-19 and zoonotic disease prevention, promoting a One Health approach.

An increase in willingness and capacity to collaborate across borders will assist AMS to give practical effect to their cooperation obligations as set out in international, regional, and bilateral agreements as well as in national laws. Ultimately, it is hoped that an increase in international cooperation and utilization of white-collar crime laws in wildlife trafficking cases, within a framework of respect for national and international law, will help to redress the level of impunity currently enjoyed by offenders.

1.3 METHODOLOGY

The methodology the project team used to research and develop this Handbook:

1. Review the baseline legislation in the ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime 2016;
2. Conduct desktop research on legislation updates;
3. Submit questionnaires to ASEAN Member States, review the responses, extract the relevant information, and verify the documents;
4. Compile information and data, identifying missing information and documents;
5. Further research and put together the matrix of information and tables for analysis;
6. Develop and circulate first draft for AMS review;
7. Hold first technical consultation meeting on 28 April 2021;
8. Review additional documents/information
9. Develop and circulate the second draft for AMS review;
10. Submit final draft to AWG CITES and Wildlife Enforcement for approval.
11. Finalize approved draft.

The cut-off date of this Handbook for data collection was 31 March 2021.

1.4 SCOPE OF PUBLICATION

The Handbook is divided into five main sections:

1. International and Regional Framework for Addressing Illegal Wildlife Trade *(Chapter 2)*
2. National Legal Framework in Addressing Illegal Wildlife Trade in ASEAN *(Chapter 3)*
3. Best Practices, Model Provisions, and Key Innovations *(Chapter 4)*
4. Policies and Legislation Implementation - Challenges and Gaps *(Chapter 5)*
5. Recommendations *(Chapter 6)*

Cooperation in legal matters is generally promoted through bilateral, regional, and international agreements. Although cooperation does not require such agreements to be in place, having common standards, principles, and clearly articulated definitions can make cooperation easier and more effective. In the field of environmental crimes there are currently no specialized regional or international conventions/treaties that define the parameters of cooperation among governments. Nonetheless, the absence of specialized international agreements does not preclude the possibility of

governments cooperating, both formally and informally, on the prevention, investigation, and prosecution of environmental crimes.

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

Further, this review and analysis was conducted using translated laws from several AMS, which are susceptible to some inconsistencies and varied interpretations by a foreign lawyer. It is also undeniable that there are many interpretations given by court jurisprudence in each jurisdiction that may not have been captured by a simple analysis of the legal instruments. This is particularly true for those AMS whose legal systems are based on common law.

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

2 INTERNATIONAL AND REGIONAL FRAMEWORK FOR ADDRESSING ILLEGAL WILDLIFE TRADE

2.1 INTERNATIONAL CONVENTIONS, TREATIES, AND INSTRUMENTS

A number of international conventions and treaties cover various aspects of the illegal international trade in wildlife. It is crucial to consider not just national wildlife laws and other laws implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) but also laws implementing the other conventions and treaties that can be used as a basis for investigating and prosecuting wildlife crimes. This chapter lists international agreements and standards that are applicable in the context of wildlife trade. In most AMS the implementation of these conventions and treaties requires national legislation.

Convention on International Trade in Endangered Species of Fauna and Flora

All 10 AMS are parties to CITES; a total of 183 States are Parties to CITES. The aim of the Convention is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. It serves to both facilitate legal, sustainable, and traceable trade and, in more recent years, with the formation of the International Consortium on Combating Wildlife Crime, to intercept illegal wildlife trade.

Wildlife conservation laws in many AMS and legal instruments specifically implementing CITES in some AMS were drafted pursuant to CITES requirements with respect to the import and export of endangered species. However, CITES does not deal with the full spectrum of activities that contribute to wildlife trade. Effectively implementing CITES therefore requires additional measures, or key provisions, which are set out in section 2.2.2, below, and Appendix A.1.

In the context of the pandemic that began in 2019, CITES is not necessarily an effective tool for controlling zoonotic diseases because it covers only endangered species, and the species from which zoonotic diseases originate may not be CITES-listed endangered species.

United Nations Convention Against Transnational Crime

All 10 AMS are parties to the United Nations Convention against Transnational Organized Crime (UNTOC). States that ratify this Convention commit themselves to taking a series of measures against transnational organized crime, including the following: the creation of domestic criminal offenses such as participation in an organized criminal group, money laundering, corruption, and obstruction of justice; the adoption of new and sweeping frameworks for extradition; and mutual legal assistance and law enforcement cooperation. This is important because, for the most part, wildlife trafficking is not a crime of poverty but of wealth, from the perspective of both the perpetrators and consumers. For example, elephant ivory, rhino horn, and tiger products are all high-value commodities valued at tens of thousands or even millions of dollars. The value of the illegal wildlife trade has led to the increasing involvement of organized criminal syndicates, which very often profit from wildlife trafficking. Applying laws pertaining to organized crime, money laundering, and corruption increases the legal resources available to AMS to combat wildlife trafficking by organized criminals and also increases the legal repercussions for those criminals.

Other international instruments applicable in the context of international wildlife trade are:

- United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria

- International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)
- World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco
- Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil
- Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia
- Financial Action Task force (FATF) International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation[4]/Asia Pacific Group on Money Laundering (APG)

Table 1 below provides an overview of each AMS's status as a Party to key international instruments. For a list of AMS-specific national legal frameworks implementing these international legal instruments, please refer to Appendix A.2.

Table 1. ASEAN Regional Comparison of International Conventions, Treaties, and Instruments

INTERNATIONAL CONVENTIONS, TREATIES AND INSTRUMENTS											
	Title	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
1.	Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	●	●	●	●	●	●	●	●	●	●
	• Category 1(legislation that generally meets the requirements for implementation of CITES)	●	●	●		●			●	●	●
	• Category 2 (legislation that does not meet all of the requirements for the implementation of CITES)						●	●			
	• Category 3 (legislation that does not meet the requirements for the implementation of CITES)				●						
2.	United Nations Convention against Transnational Organized Crime (UNTOC), 29 September 2003, Palermo, Italy	●	●	●	●	●	●	●	●	●	●
3.	United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria	●	●	●	●	●	●	●	●	●	●
4.	The International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto,		●		●		●	●		●	●

[4] These standards are neither a convention nor a treaty but they are applicable to wildlife trade when money laundering is involved.

	INTERNATIONAL CONVENTIONS, TREATIES AND INSTRUMENTS Title	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
	Japan amended June 1999 (Revised Kyoto Convention)										
5.	WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	●	●	●	●	●	●	●	●	●	●
6.	Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	●	●	●	●	●	●	●	●	●	●
7.	Convention Concerning the Protection of the World Cultural and Natural Heritage, 16 November 1972, Paris, France	●	●	●	●	●	●	●	●	●	●
8.	Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	●	●	●	●	●	●	●	●	●	●
9.	Asia Pacific Group on Money Laundering (APG)[5]	●	●	●	●	●	●	●	●	●	●
	International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force)[6]					●		●	●		
	• Jurisdictions under increased monitoring as of February 2021[7]		●			●					

2.2 ASEAN Framework in Addressing Illegal Wildlife Trade

2.2.1 Policies and institutions

The ASEAN region has several policies that address wildlife trafficking issues. The two main ASEAN working groups on countering wildlife trafficking are the AWG on CITES and Wildlife Enforcement, under ASEAN's economic pillar, and the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber under the Senior Officials Meeting on Transnational Crime (SOMTC), which is under ASEAN's political and security pillar.

ASEAN bodies including AIPA, ASEAN Ministerial Meeting on Transnational Crime (AMMTC), and the East Asia Summit have all issued resolutions or declarations to support combating wildlife trafficking:

[5] States are members of this Group, rather than Parties as to a convention or treaty.
[6] States are members of this Task Force, rather than Parties as to a convention or treaty. Indonesia is an observer but not a member.
[7] Also referred to as the "grey list", this designation means the country has committed to resolve swiftly the identified strategic deficiencies within agreed timeframes and is subject to increased monitoring. http://www.fatf-gafi.org/publications/high-risk-and-other-monitored-jurisdictions/documents/increased-monitoring-february-2021.html. Accessed 17 May 2021.

1. On 13 November 2014, at the 9th East Asia Summit (EAS)[8], EAS leaders signed a Declaration on Combating Wildlife Trafficking, declaring their recognition of wildlife crime as a serious transnational crime and requesting the AMMTC to consider recognizing environmental crime as a serious transnational crime[9]. The EAS leaders also supported the harmonization of environmental laws to combat transnational crime and linking wildlife crime with UNTOC and UNCAC;
2. The 10th AMMTC in October 2015 adopted a Joint Decision and the Kuala Lumpur Declaration in Combating Transnational Crime which endorsed wildlife and timber trafficking as a priority on par with human trafficking and cybercrime;
3. ASEANAPOL made commitments to tackle CWT at their 34th, 35th, and 36th General Assembly (2014-2016);
4. The Special ASEAN Ministerial Meeting on Illegal Wildlife Trade in March 2019 issued the Chiang Mai Statement of ASEAN Ministers Responsible for CITES and Wildlife Enforcement on Illegal Wildlife Trade, which was reiterated and affirmed at the 34th ASEAN Summit in June 2019;
5. The AIPA General Assembly Resolutions in 2012, 2015, and 2017 support CWT legislative reforms and enforcement actions.

The March 2019 Chiang Mai Statement of ASEAN Ministers Responsible for CITES and Wildlife Enforcement on Illegal Wildlife Trade highlighted the following actions:

1. Strengthen cooperation in addressing the illegal wildlife trade in ASEAN, including extensive collaboration with international organizations, private sector, academia, and civil society;
2. Strengthen demand reduction efforts across the region;
3. Strengthen regional actions to tackle the illicit financial flow associated with illegal wildlife trade to combat corruption and money-laundering activities, including online trade;
4. Enhance domestic legislations to give deterrence effect to wildlife offenses; strengthen enforcement efforts in fighting against transnational organized wildlife crimes including capacity building; and
5. Close down wildlife markets where they contribute to poaching and the illegal wildlife trade.

The Chiang Mai Statement laid the platform and direction for the development of ASEAN's efforts to combat illegal wildlife trade. The AWG on CITES and Wildlife Enforcement is responsible for implementing the Chiang Mai Statement and has developed the Regional Plan of Action for ASEAN Cooperation on CITES and Wildlife Law Enforcement 2021-2025.

2.2.2 Regional comparison of key provisions on illegal wildlife trade

A description of key provisions that include both substantive and procedural issues that laws governing wildlife and wildlife trade should incorporate is set out in Appendix A.1. The key provisions go beyond the four basic requirements that CITES has established for national legislation to be considered in compliance with the Convention.[10] The key provisions include CITES requirements as well as other

[8] The East Asia Summit (EAS) is a regional leaders' forum for strategic dialogue and cooperation on key challenges facing the East Asian region. The EAS is a significant regional grouping with an important role to play in advancing closer regional integration and cooperation at a time of particular dynamism in East Asia. Membership of the EAS comprises the ten ASEAN countries (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Viet Nam), Australia, China, India, Japan, New Zealand, the Republic of Korea, the United States and Russia.

[9] A copy of the declaration can be found on this weblink:
http://www.asean.org/images/pdf/2014_upload/EAS%20decleration%20on%20combating%20wldlife%20trafficking.pdf

[10] Under CITES, Resolution Conf. 8.4 (Rev. CoP15) on national laws for implementation of the Convention, directs the secretariat, within available resources, to identify those parties whose domestic measures do not provide them with the authority to (1) designate at least one management authority and one scientific authority, (2) prohibit trade in specimens in violation of the Convention, (3) penalize such trade, or (4) confiscate specimens illegally traded or possessed. All four minimum requirements must be met by the national laws. Under the National Legislation Project created thereto, and in consultation with the concerned party, national legislation is analyzed by the secretariat in relation to these four minimum requirements and placed in one of three categories, as follows: Category 1: legislation that is believed

critical aspects of wildlife trafficking, such as hunting, trading, transiting, possessing, handling and disposal of confiscated wildlife, captive breeding, consumption, and the use of wildlife in traditional medicine. They include enabling mechanisms, such as procedures for review of national protected species lists, compensation, rewards for informants, establishment of conservation funds, and appointment of a special prosecutor for wildlife crimes.

Table 2, below, lists these key provisions and indicates the degree to which they are reflected in the national legal framework of each AMS. Further detail on how AMS laws integrate these key provisions is provided in Chapter 5, Section 5.2.

Table 2. ASEAN Regional Comparison of Key Provisions on Illegal Wildlife Trade

Regional Comparison of Key Provisions on Illegal Wildlife Trade[11]										
	Key Provisions	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
KP1	Interagency national task force mandated to implement/enforce wildlife laws and other associated laws relevant to combating wildlife trafficking	●	●	●	●	●	●	●	●	●	●
KP2	Wildlife trafficking is a serious crime as defined under section 2(b) of the UN Convention Against Transnational Organized Crime (UNTOC), punishable by at least 4 years imprisonment or a more serious penalty or by law[1]	●	●	●	●	●	●	●	●	●	●
KP3	CITES non-native species	●	●	●	●	●	●	●	●	●	●
KP4	Mechanism for review and update of protected species list	⊙	⊙	⊙	⊙	⊙	⊙	●	●	⊙	●
KP5	Hunting of wildlife	●	●	●	●	●	●	●	●	●	●

generally to meet the requirements for implementation of CITES, Category 2: legislation that is believed generally not to meet all of the requirements for the implementation of CITES, or Category 3: legislation that is believed generally not to meet the requirements for the implementation of CITES. This information is available at https://cites.org/eng/legislation/National_Legislation_Project.

[11] • signifies that the issue is regulated
⊙ signifies that the issue is partially regulated, in some cases with conditions or exceptions
- signifies that the issue is not regulated

[1] Section 2(b) UNTOC is available at https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/united_nations_convention_against_transnational_organized_crime_and_the_protocols_thereto.pdf

Regional Comparison of Key Provisions on Illegal Wildlife Trade[11]											
	Key Provisions	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
KP6	Captivity breeding	-	●	●	●	●	●	●	●	●	●
KP7	Illegal trade of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	●	●	●	●	◎	●	●	●	●	●
KP8	Illegal consumption of protected wildlife	-	◎	●	●	◎	-	●	●	◎	●
KP9	Exemption for use of protected wildlife as traditional medicine	-	-	-	◎	-	◎	-	●	-	-
KP10	Transportation of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	-	-	●	●	-	●	●	-	◎	●
KP11	Import/export of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	●	●	●	●	●	●	●	●	●	●
KP12	Re-export of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	●	●	●	●	●	●	●	●	●	●
KP13	Transit of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	-	-	-	●	◎	-	●	●	●	●
KP14	Introduction from the sea of marine wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	●	●	●	N/A	●	●	●	●	●	●
KP15	Illegal possession of protected wildlife	●	●	●	●	●	●	●	●	●	●

Regional Comparison of Key Provisions on Illegal Wildlife Trade[11]											
	Key Provisions	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
KP16	Enforcement powers: entry, evidence collection, interview/interrogation, search, sampling, seizure, arrest, and confiscation	●	◎	◎	◎	●	◎	◎	●	●	◎
KP17	Sale of confiscated specimens	◎	◎	●	-	◎	-	●	●	◎	●
KP18	Handling procedures for live, confiscated specimen	-	-	●	-	-	-	●	-	●	●
KP19	Compensation for victims/rehabilitation/cost of repatriation of seized wildlife	◎	◎	-	-	◎	-	●	◎	◎	◎
KP20	Reward for informants	-	●	-	●	●	-	-	●	◎	-
KP21	Establishment of conservation fund where proceeds from seized assets of wildlife offenses go to a dedicated fund, which can be used by wildlife enforcement agencies	-	-	-	-	-	-	●	-	-	◎
KP22	Animal welfare	●	●	●	●	●	-	●	●	●	●
KP23	Aiding and abetting; attempt						●	●	●	●	●
KP24	Penalties - Minimum threshold and mandatory imprisonment	◎	◎	◎	●	◎	◎	◎	◎	◎	◎
	- Penalties correspond to the species' level of protection	●	●	-	●	●	●	●	●	●	●
KP25	Liability of legal entity/corporate body, directors and officers	●	◎	-	●	●	-	-	●	●	●
KP26	Automatic fine adjustments to compensate for inflation and to maintain deterrent functions	-	-	-	-	-	-	●	-	-	-

Regional Comparison of Key Provisions on Illegal Wildlife Trade[11]											
	Key Provisions	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
KP27	Appointment of special prosecutor and retained counsel	-	-	-	-	-	-	●	-	-	-

2.2.3 Regional comparison of penalties on illegal wildlife trade

Tables 2 and 3 provide an overview of penalties for wildlife crimes in all AMS for selected categories of CWT-related offenses. The purpose of the comparison is to facilitate consideration of the penalties for these offenses across all 10 AMS. The penalties listed below are stipulated in each AMS's primary CITES enabling legislation and regulations and, in some cases, their criminal codes, as discussed in Chapter 3. In addition to the significant variation in penalties among the AMS, some AMS do not penalize offenses involving all CITES-listed species; that is explained in each AMS's country sub-chapter in Chapter 3. In Table 4, all fines are given in United States dollars (US$) for ease of comparison, using World Bank exchange rates[12].

Table 3. ASEAN Regional Comparison of Imprisonment Terms

Imprisonment Terms							
AMS	**Trading**	**Import**	**Export**	**Transit**	**Possession**	**Consumption**	**Captive breeding**
BN	0-5 years	0-5 years	0-5 years	-	0-5 years	-	-
KH	0-10 years	0-5 years	0-10 years	-	0-5 years	-	-
ID	0-5 years	0-5 years	0-5 years	-	0-5 years	-	0-5 years
LA	3 months - 5 years	3 months - 10 years	3 months - 10 years	3 months - 10 years	3 months - 5 years	-	-
MY	0-7 years	0-7 years	0-7 years	0-7 years	0-7 years	0-5 years[13]	0-7 years
MM	3 years - 10 years	3 years - 10 years	3 years - 10 years	-	3 years - 10 years	-	0-3 years

[12] Conversions are based on 2019 World Bank rates: https://data.worldbank.org/indicator/PA.NUS.FCRF
[13] This penalty only applies in Sarawak, where consumption is regulated with possession.

Imprisonment Terms							
AMS	**Trading**	**Import**	**Export**	**Transit**	**Possession**	**Consumption**	**Captive breeding**
PH[14]	10 days - 20 years	10 days - 8 years	10 days - 20 years	12 years + 1 day - 20 years[15]	10 days - 4 years	-	-
SG	0-2 years	0-2 years	0-2 years	0-2 years	0-2 years	-	0-2 years
TH	0-15 years	0-15 years	0-15 years	0-4 years	0-5 years	-	0-3 years
VN	6 months - 15 years	1 year - 15 years	1 year - 15 years	1 year - 15 years	1 year - 15 years	-	1 year - 15 years

Table 4. ASEAN Regional Comparison of Fines

Fines[16]							
AMS	**Trading**	**Import**	**Export**	**Transit**	**Possession**	**Consumption**	**Captive breeding**
BN[17]	0-$73,529	0-$73,529	0-$73,529	-	0-$73,529	-	-
KH[18]	$2,462-$24,624	$2,462-$24,624	$2,462-$24,624	-	$2,462-$24,624	-	2-3 times market value
ID[19]	0- $7,068	0-$7,068	0-$7,068	-	0-$7,068	-	0-$7,068

[14] Minimum penalties are those stipulated in the Wildlife Act. Maximum penalties are those stipulated in the Fisheries Code, which are significantly higher than the maximum penalties under the Wildlife Act.
[15] This penalty only applies to aquatic animals. The Wildlife Act does not regulate transit.
[16] Conversion rates are based on 2019 rates set out in World Bank data link: https://data.worldbank.org/indicator/PA.NUS.FCRF
[17] Fines for offenses by corporate bodies are double the fine for individuals, equivalent to a maximum of approximately US$147,059.
[18] Monetary fines are for importing and possession of endangered species and for trading and exporting rare species. For import, possession, and captive breeding of rare species and for captive breeding of endangered species, the fine is 2-3 times the market value, rather than a specified monetary fine.
[19] The maximum fines given are for intentional offenses; for negligent offenses, the maximum fine is the equivalent of approximately US$3,534.

Fines[16]							
AMS	**Trading**	**Import**	**Export**	**Transit**	**Possession**	**Consumption**	**Captive breeding**
LA[20]	$346-$5,761	2 times value of damage	2 times value of damage	2 times value of damage	$346 - $1,152	-	-
MY[21]	$0-$24,155	$0-$24,155	$0-$24,155	$0-$24,155	$0-$24,155	$483	$0-$24,155
MM[22]	$198-$659	$132-$329	Fine not specified	-	$132-$659	-	$132-$329
PH[23]	$10-$5,792 ($96,525)	$10-5,792 ($9,650)	$10-$5,792 ($96,525)	-	$97-$5,792 ($96,525)	-	-
SG[24]	$0-$36,765	$0-$36,765	$0-$36,765	$0-$36,765	$0-$36,765	-	$0-$36,765
TH[25]	$9,662-$48,309	$9,662-$32,206	$9,662-$32,206	0-$12,882 ($32,206)	0-$16,103 ($32,206)	-	0-$9,662 ($32,206)
VN	$2,169-$86,767	$2,169-$86,767	$2,169-$86,767	$2,169-$86,767	$2,169-$86,767	-	$2,169-$86,767

2.2.4 Anti-money laundering and illegal wildlife trade

Global money laundering activities impose significant costs on the ASEAN Economic Community by damaging the effective operations of national economies. There is evidence of cash revenues from the illegal trade of timber and wildlife that enter the formal financial system to conceal their true origin. Wildlife and timber trafficking (WTT) is a predicate crime under the laws governing anti-money

[20] Monetary fines are not specified for import, export, and transit. For repeat offenses involving import, export, and transit, and if the offense is committed by an organized group or causes substantial damage, the fine is triple the value of the damage. For any offense, a legal person is subject to double the fine for an individual.
[21] The fines in this table are those stipulated in the International Trade in Endangered Species Act. The maximum fine given is per specimen, with an aggregate maximum fine equivalent to approximately US$241,546. Fines for offenses by corporate bodies are double the fine for individuals. The Wildlife Conservation Act stipulates a significantly higher maximum penalty for possession and captive breeding of totally protected species, equivalent to approximately US$120,773. The fine for consumption is imposed only in Sarawak, where consumption is regulated with possession.
[22] The monetary fines given are for normally protected species and for commercial captive breeding of protected endangered species. For offenses involving completely protected species and species regulated for international trade, no fines are stipulated.
[23] The fines given are those stipulated in the Wildlife Act. The maximum fines shown in parentheses, which are significantly higher than the maximum fines under the Wildlife Act, are those stipulated for CITES-listed aquatic species under the Fisheries Code.
[24] The maximum fine given is per specimen, with an aggregate maximum fine equivalent to approximately US$367,647. Corporate officers may also be penalized for offenses by a corporate body.
[25] The fines given are those stipulated in the Wild Animals Conservation and Protection Act. The maximum fines shown in parentheses are those stipulated for aquatic species under the Fisheries Act, and are significantly higher than the maximum fines for the same offenses involving terrestrial species under the Wildlife Act.

laundering activities in all AMS. The laws of some AMS explicitly stipulate that violations of the legal instruments governing wildlife are predicate crimes, while others refer generally to any offense under any national law. This is significant. All AMS recognize that wildlife trafficking is a part of organized crime and should therefore be treated as such by the criminal justice system. It is also an acknowledgement by AMS that wildlife law enforcement goes beyond wildlife laws and requires other non-wildlife specific laws. Collaboration among the agencies responsible for enforcing these different laws has become inevitable, if not imperative, in the fight against transnational and organized wildlife trafficking.

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

The maximum term of imprisonment for violation of national AML laws varies widely, from five years in Cambodia to 20 years in Indonesia. The maximum fines range significantly as well, from the equivalent of approximately $32,206 in Thailand to the equivalent of more than approximately $35 million in Indonesia. It is clear that AMS would benefit from the harmonization of penalties to prevent the flow of illicit financial transactions. Without regionally harmonized standards for compliance and penalties for non-compliance, money launderers may find incentives to operate through countries where financial investigations and AML prosecutions are not consistently initiated and/or where penalties are particularly low.

In countries where the penalties for wildlife crime are low, wildlife enforcement authorities could consider cooperating with national financial investigation units to determine whether wildlife crimes involve money laundering and to ensure that proceeds of illegal wildlife trafficking are traced.

Table 5. ASEAN Regional Comparison of Anti-Money Laundering Laws

ASEAN Member States	National Law on Anti-Money Laundering	Maximum Fines in USD[26]		Maximum Prison Term	WTT as Predicate Offense
		Natural Persons	Legal Persons		
Brunei Darussalam	Criminal Asset Recovery Order 2012 Section 3	$367,647	$735,294	10 years	●
Cambodia	Law on Anti-Money Laundering and Combating financing of Terrorism 2020 Article 38 Criminal Code Article 405	$123,118 or up to the value of the fund or property which was the subject of money laundering	$246,236	5 years	●

[26] Source for exchange rates used: https://data.worldbank.org/indicator/PA.NUS.FCRF)

ASEAN Member States	National Law on Anti-Money Laundering	Maximum Fines in USD[26]		Maximum Prison Term	WTT as Predicate Offense
		Natural Persons	Legal Persons		
Indonesia	Act. No. 8/2010 on Prevention and Eradication of Money Laundering Articles 3-7	$35,341,509	$7,068,302	20 years	●
Lao PDR	Penal Law 2017 Article 130	$80,651	-	10 years	●
	Law on Anti-Money Laundering and Counter-Financing of Terrorism 2014 Article 66	$80,651	-	10 years	
Malaysia	Anti-Money Laundering and Anti-Terrorism Financing Act 2001, as amended 2019 Section 4	$1,207,729 or 5 times the value, whichever is higher	-	15 years	●
Myanmar	Anti-Money Laundering Law 11/2014 Section 43	not specified	$329,324	10 years	●
Philippines	Anti-Money Laundering Act, RA No. 9160, as amended 2012 Section 14	$57,915 but not more than twice the value of the property involved in the offense	-	14 years	●
Singapore	Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A 1992 revised in 2000 Section 47	$367,647	$735,294 or twice the value of the property in respect of which the offense was committed, whichever is higher.	10 years	●
Thailand	Anti-Money Laundering Act B.E. 2542 (1999) as amended B.E. 2558 (2015) (Sections 60-61)	$6,441	$32,206	10 years	●

ASEAN Member States	National Law on Anti-Money Laundering	Maximum Fines in USD[26]		Maximum Prison Term	WTT as Predicate Offense
		Natural Persons	Legal Persons		
Viet Nam	Law on Prevention and fighting against money laundering No. 07/2012/QH13 Article 35	-	-	-	●
	Penal Code 1999 as amended up to 2017 Article 251	Up to three times the value of the property involved in the crime	-	15 years	

2.2.5 Instruments of regional cooperation

International cooperation in criminal matters among criminal justice systems is an essential prerequisite for combating transnational organized crime. Both informal and formal methods of international cooperation are crucial for depriving traffickers of safe havens. Different forms of international cooperation include extradition, mutual legal assistance, transfer of criminal proceedings, transfer of sentenced persons, and joint investigations, among other mechanisms. Some of these forms of cooperation can complement each other with a view to ensuring that the widest measure of assistance is afforded in investigations, prosecutions and judicial proceedings of criminal cases. Extradition and mutual legal assistance in criminal matters are based on bilateral and multilateral agreements or – in the absence of such agreements – directly on national laws. This section analyses specifically the cooperation within ASEAN on mutual legal assistance and extradition.

A. Mutual legal assistance

Mutual legal assistance (MLA) is the formal procedure by which actors in criminal justice systems cooperate across borders to conduct criminal investigations and collect evidence. It is primarily governed by bilateral or multilateral treaties which impose obligations on states to cooperate under specific circumstances and to a certain extent. For procedural reasons, most countries enact national legislation to either implement a treaty, or to set a universal framework for all MLA requests. The use of MLA has been driven by an urge to improve international cooperation in the suppression of transnational crime and to avoid the often highly time-consuming procedure of *lettres rogatoire* through diplomatic channels. Normally, national legislation on MLA covers both providing assistance and requesting it. National legislation usually requires the existence of a bilateral or multilateral treaty that regulates the assistance on an international level, or a reciprocal guarantee. The most prominent example of such a treaty is UNTOC, which contains detailed provisions on MLA; all AMS are Parties to UNTOC and could use the Convention as a basis for national law. In practice though, states have generally preferred to enter into a bilateral treaty with a requested or requesting state. The same is true of UNCAC; all AMS are Parties to UNCAC.

At the regional level, the 2004 Treaty on Mutual Legal Assistance in Criminal Matters, which was elevated to an ASEAN Treaty in 2019, is in force amongst all AMS. Implementing the ASEAN treaty depends on the legal system of each individual AMS, and whether it is necessary to enact national legislation to ensure the effectiveness and applicability of the treaty. In 2021, eight of the 10 AMS have specific MLA legislation. Regardless of whether or not the national legal system requires the

incorporation of international law in domestic legislation to make it legally binding nationally, such legislation can have great effect. Wildlife crimes are eligible for requests for MLA in all AMS, with the exception of Cambodia – which has limited the eligibility of MLA to drug-related offenses only – and the Philippines – where MLA is applicable only in anti-money laundering cases. For the effective application of MLA, it is necessary to have both a comprehensive treaty in place as well as national legislation setting out the procedure domestically. Especially important for a speedy procedure is to have clear channels of communication and designated authorities to deal with requests.

B. Extradition

Extradition is the formal surrender of a person by a state to another state for prosecution or punishment. For a long time, extradition was largely a matter of reciprocity. Even now, in the absence of a binding treaty, there is no international obligation to extradite. However, there is a growing trend towards recognizing the duty to extradite or prosecute, in particular with certain international crimes. Extradition is in many ways similar to MLA, but it is in general subject to more stringent safeguards, both on a treaty level and with reference to international human rights law, for the individual involved because of the extensive consequences it can have. The same international treaties that provide the legal basis for MLA – UNTOC and UNCAC – are applicable to extradition if Parties consider the relevant treaty as a basis for extradition. However, a major difference with the MLA regime is that there is no regional legal instrument that concerns extradition, although ASEAN has endorsed a 2019 Model ASEAN Extradition Treaty. The ASEAN MLA Treaty explicitly states in Article 2 that it is not applicable to extradition.

Most AMS have legislative provisions in place allowing bilateral agreements on extradition and most of them, with the exception of Myanmar, have concluded a bilateral extradition treaty with at least one other AMS; Thailand has signed the highest number of extradition agreements with other AMS. Bilateral extradition treaties can be tailored to meet the needs of the signatory countries and they may be amended to meet future needs. The ratification of these treaties is vital for jurisdictions to avoid becoming 'safe havens' for offenders and/or fugitives. The major constraint in their adoption is the significant amount of time and resources their negotiation requires. All AMS are now Parties to both UNTOC and UNCAC.

Table 6. ASEAN Regional Comparison of Instruments of Regional Cooperation

ASEAN Member States	National Law On Extradition	National Law on Mutual Legal Assistance	WTT Eligible for MLA	Responsible Authority
Brunei Darussalam	Criminal Procedure Code 1951 revised 2001 Chapter XXXIV Extradition Order 2006 Extradition (Malaysia and Singapore) Act (Chapter 154) 1984 Summonses and Warrants (Special Provisions) Act (Malaysia and Singapore) 1984 Chapter 155	Mutual Assistance in Criminal Matters Order 2005 Mutual Assistance in Criminal Matters Regulations 2005	●	Attorney General's Chambers

ASEAN Member States	National Law On Extradition	National Law on Mutual Legal Assistance	WTT Eligible for MLA	Responsible Authority
Cambodia	Criminal Procedure Code 2007 Book Nine: Special Proceedings, Chapter 2: Extradition	-	-	Ministry of Justice
Indonesia	Law on Extradition Law No. 1/1979	Law on Mutual Legal Assistance in Criminal Matters Law No. 1/2006	●	Department of Law and Human Rights
Lao PDR	Law on Criminal Procedure No. 79/NA 2012 Article 272 Law on Extradition No. 18/NA 2012	Law on Criminal Procedure No. 79/NA 2012 Part XIV	●	Ministry of Justice
Malaysia	Extradition Act 1992 (Act 479)	Mutual Assistance in Criminal Matters Act 2002 (Act 621)	●	Attorney General
Myanmar	Burma Extradition Act 1904	Mutual Assistance in Criminal Matters Law No. 4/2004 Mutual Assistance in Criminal Matters Rules 2014	●	Ministry of Home Affairs
Philippines	Extradition Law, 1977 (Presidential Decree 1069)	-	-	Department of Justice
Singapore	Extradition Act Chapter 103, 2000 Revised Edition	Mutual Assistance in Criminal Matters Act Chapter 190A, 2001 Revised Edition	●	Attorney General's Chambers
Thailand	Extradition Act B.E. 2551 (2008)	Act on Mutual Assistance in Criminal Matters B.E. 2559 (2016)	●	Attorney General
Viet Nam	Law on Legal Assistance Law No. 08/2007 Chapter IV	Law on Legal Assistance Law No. 08/2007 Chapter III	●	The Supreme People's Procuracy of Viet Nam

2.3 ILLEGAL WILDLIFE TRADE AND THE ONE HEALTH COLLABORATION AND COORDINATION IN ASEAN

2.3.1 Introduction

Zoonotic disease emergence is an urgent global health and international security concern.[27] Zoonotic disease transmission is associated with risk-prone human-animal interactions, including contact with wildlife within various interfaces, such as those associated with the wildlife value chain. Human-wildlife interactions are driven by a number of factors, which are often linked to ecosystem disturbances and demand for wildlife meat and products.[28,29,30,31] Outbreaks and pandemics have resulted from spillover of pathogens from a wildlife reservoir to humans including: SARS-CoV-2, 2003 SARS-CoV, Ebola virus, Nipah virus, MERS-CoV, and avian and swine influenza.[32,33,34] These recent emergences of novel human-animal pathogens could be attributed to various human activities, including wildlife hunting, marketing, and trade, both legal and illegal.[35] The cost to curtail disease epidemics and pandemics is astronomical, as they impact not just the health sector, but all other sectors of society. They devastate entire national economies, especially in poor countries, as confirmed in the COVID-19 pandemic. In a brief published by the Asian Development Bank in December 2020, the estimated global impact of the COVID-19 pandemic ranges from $4.8 trillion to $7.4 trillion (5.5% to 8.7% of global GDP) in 2020, and an additional $3.1 trillion to $5.4 trillion (3.6% to 6.3% of global GDP) in 2021.[36] It is expected that poverty in East Asia and the Pacific will increase by an estimated 38 million people.[37] Preventing zoonotic disease emergence, including application of the One Health approach, would be a minimal investment estimated to be just 2% of the total cost incurred in responding to the COVID-19 pandemic.[38]

2.3.2 One Health Approach

The One Health approach pertains to multisectoral and multidisciplinary mechanisms for coordination, communication, and collaboration to address national and global health threats at the human-animal-environment interface. The original tripartite collaboration, which included the Food and Agriculture

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[27] Safeguarding human health in the Anthropocene epoch: report of The Rockefeller Foundation–*Lancet* Commission on planetary health Sarah Whitmee, Andy Haines, Chris Beyrer, Frederick Boltz, Anthony G Capon, Braulio Ferreira de Souza Dias, Alex Ezeh, Howard Frumkin, Peng Gong, Peter Head, Richard Horton, Georgina M Mace, Robert Marten, Samuel S Myers, Sania Nishtar, Steven A Osofsky, Subhrendu K Pattanayak, Montira J Pongsiri, Cristina Romanelli, Agnes Soucat, Jeanette Vega, Derek Yach, *The Lancet 2015*, Vol. 386: 1973-2028 July 16, 2015. http://dx.doi.org/10.1016/ S0140-6736(15)60901-1

[28] Leroy EM, Epelboin A, Mondonge V, et al. Human Ebola outbreak resulting from direct exposure to fruit bats in Luebo, Democratic Republic of Congo, 2007. Vector Borne Zoonotic Dis 2009; 9: 723–28

[29] Millennium Ecosystem Assessment. Human health: ecosystem regulation of infectious diseases. In: Patz JA, Confalonieri U, eds. Ecosystems and human well-being: current status and trends. Washington, DC: Island Press, 2005

[30] CBD–WHO. Connecting global priorities: biodiversity and human health, a state of knowledge review. 2015. https://www.cbd.int/health/SOK-biodiversity-en.pdf (accessed June 6, 2015)

[31] Aguirre AA (December 2017). "Changing Patterns of Emerging Zoonotic Diseases in Wildlife, Domestic Animals, and Humans Linked to Biodiversity Loss and Globalization". *ILAR Journal*. 58 (3): 315–318. doi:10.1093/ilar/ilx035. PMID 29253148

[32] Jones KE, Patel NG, Levy MA, et al. Global trends in emerging infectious diseases. Nature 2008; 451: 990–93

[33] Rouquet P, Froment JM, Bermejo M, et al. Wild animal mortality monitoring and human Ebola outbreaks, Gabon and Republic of Congo, 2001–2003. Emerg Infect Dis 2005; 11: 283–90

[34] Pulliam JR, Epstein JH, Dushoff J, et al. Agricultural intensification, priming for persistence and the emergence of Nipah virus: a lethal bat-borne zoonosis. J R Soc Interface 2012; 9: 89–101

[35] Zoonoses (Project 1) Wildlife/domestic livestock interactions: A final report to the Department for International Development, UK. The International Livestock Research Institute, Nairobi and Royal Veterinary College, London. Report editors: Delia Grace and Bryony Jones, 2011

[36] ADB Briefs No.159. December 2020. The Impact of COVID-19 on Developing Asia: The Pandemic Extends into 2021. https://www.adb.org/sites/default/files/publication/656521/impact-covid-19-developing-asia-extends-2021.pdf

[37] The World Bank. From Containment to Recovery: Economic Update for East Asia and the Pacific, October 2020. https://www.worldbank.org/en/region/eap/publication/east-asia-pacific-economic-update

[38] Gongal, G., Ofrin, R. H., de Balogh, K., Oh, Y., Kugita, H., and Dukpa, K. 2020. Operationalization of One Health and tripartite collaboration in the Asia-Pacific region. WHO South East Asia J Public Health, 9(1): 21-25. doi:10.4103/2224-3151.282991

Organization of the United Nations, World Animal Health Organization (OIE), and World Health Organization, now also includes the UN Environment Programme. This is a strategic and successful partnership in the implementation of international standards to address the challenges to public health, animal health (both domestic and wildlife), and the environment that contributed to many of the Sustainable Development Goals and the 2030 Agenda.[12] The highly pathogenic avian influenza, antimicrobial resistance, and food safety were the first programs implemented for collaboration. One Health is required to effectively prepare for, detect, assess, and respond to emerging and endemic zoonotic diseases. Most countries still lack formal mechanisms for multisectoral coordination and integration of activities across the human health, agricultural, and environmental sectors. Efforts are traditionally based in separate ministries or government agencies with different mandates on activities and spending. Practical applications of One Health have largely been ad hoc, resulting in deficient zoonotic disease risk mitigation and prevention of negative externalities that may severely impact on societal functions and development. While many countries still lack established One Health coordination mechanisms, the COVID-19 pandemic has drawn greater global commitment to One Health strengthening.

Zoonoses risk pathways associated with demand for wildlife use and consumption, and in relation to biodiversity fragility amplify the drivers for disease emergence. These include food insecurity, food sourcing/supply activities in traditional live animal marketing in relation to local rural communities, and attraction to the benefits that the wildlife value chain offers. Understanding and addressing intersectoral drivers by investigating the interactions between the environmental, animal (domestic and wildlife), and human health dimensions is critical. For instance, there are risks associated with shifts in the ways of life of indigenous peoples and local communities that are heavily engaged in wildlife capture and consumption.

According to the ASEAN Center for Biodiversity,[39] Southeast Asia is a mega biodiverse region, a geographic hotspot for emerging epidemics, as well as a biodiversity hotspot. Wildlife trade is a major threat to biodiversity across the region. While wildlife hunting, consumption, use, and trade within local communities are driven by acceptable socio-economic reasons, there is a complex connection between local and international trade. Trade done for reasons beyond need for protein sources, subsistence, and livelihood among indigenous people is undesirable and should be prohibited. However, a complete ban on trade will impact on rural people and their food security, which is an ethical concern. More sustainable management should be urgently implemented by government agencies involved.

2.3.3 Risk management framework

The illegal wildlife trade is detrimental as it leads to uncontrolled exploitation of natural resources, and degradation of nature and environment. There is an urgent need to establish feasible controls on wildlife hunting and marketing to encompass enforcement of regional and international agreements, laws and regulations, reformation of markets that allow illegal trade of live animals, and combating criminal activities driving wildlife trafficking networks. Sustainable solutions are needed, such as enhanced disease surveillance and promotion of well managed wildlife breeding that can bring about considerable economic benefits.

To combat organized wildlife crime, expertise of regulatory agencies such as the CITES Management Authorities is crucial to improve compliance with international regulations and reduce the risk not only of illegalities but also of transboundary disease transmission. The ASEAN Working Group on CITES and Wildlife Enforcement emphasizes the need to scale up efforts and implement strong

[39] https://aseanbiodiversity.org

measures regarding wildlife trade regulation at domestic level. These activities and measures will impact on, and contribute to, addressing transnational wildlife crime more effectively.[40]

The OIE has organized regional webinars on the risks of zoonotic disease transmission from illegal wildlife trade to promote the Wildlife Health Management Framework that focuses on pre-empting, reducing, and managing risks of spill over events of pathogens among wildlife, domestic animals, and humans at the ecosystem interface.[41] The OIE Sub-Regional Representative for Southeast Asia organized a webinar for ASEAN in February 2021 where AMS shared their zoonotic disease situation, current initiatives, and way forward. Wildlife disease surveillance systems are important for early detection and monitoring of the circulation of those infectious agents that are significant for veterinary or public health since it is recognized as an important reservoir for emerging infectious etiologies. Harmonizing wildlife disease surveillance across boundaries is guided by the *OIE Guidelines for Wildlife Disease Surveillance.*[42] As OIE member countries, all AMS are encouraged to submit data from their national wildlife disease surveillance to the World Animal Health Information System (WAHIS-Wild)[43] as part of the OIE's voluntary notification of specific wildlife diseases that are not on the OIE List. Using the OIE WAHIS-Wild platform will facilitate international collaboration for the detection and identification of pathogens and diseases, analysis and communication, and information management.[44] Disease surveillance especially at the interface of human-animal-ecosystems has become vital given the increasing interaction and the threat of emerging novel infectious diseases.

The ASEAN Comprehensive Recovery Framework (ACRF) adopted by the 37th ASEAN Summit in November 2020 included an implementation plan, the ASEAN Guidelines for Detecting and Preventing Wildlife Trafficking (related to forestry). The Guidelines aim to promote awareness on the risks of zoonotic diseases spread through IWT and support the formulation of recommendations and policy briefs to minimize these risks from wildlife trade and high-risk consumptive behavior. Measures to address wildlife trafficking from the viewpoint of the biodiversity conservation sector include enhancing cross-sectoral coordination on enforcing wildlife protection laws, improving wildlife habitats, and engaging relevant sectors and actors (including youth) to highlight the importance of nature-based solutions to prevent future pandemics.[45]

2.3.4 One Health coordination for risk reduction and mitigation

ASEAN is obligated to strengthen regional cooperation in combating pandemic threats through a comprehensive, multisectoral coordination system. In the ASEAN Post-2015 Health Development Agenda, the workplan under ASEAN Health Cluster 2 places emphasis on "Responding to All Hazards and Emerging Threats".[46] The workplan includes the strategy to ensure a high level of capability, collaboration, and capacity to detect, investigate, contain, and manage communicable diseases including outbreaks of emerging and re-emerging infectious diseases, and neglected tropical diseases. The workplan also emphasizes strengthening laboratory capacity as well as preparing for pandemics and other public health emergencies, including disasters, in line with Sustainable Development Goals. While the strategy does not explicitly mention One Health, it does imply organizing multisectoral approaches.

[40] ASEAN Working Group on CITES and Wildlife Enforcement. http://awgciteswe.org
[41] https://rr-asia.oie.int/en/projects/wildlife-health/
[42] World Animal Health Organization (OIE) Guidelines for Wildlife Disease Surveillance. An Overview. https://www.oie.int/fileadmin/Home/eng/Internationa_Standard_Setting/docs/pdf/WGWildlife/OIE_Guidance_Wildlife_Surveillance_Feb2015.pdf
[43] www.oie.int/wahiswild
[44] https://www.oie.int/en/the-oie-launches-wahis-wild-interface/
[45] ASEAN Comprehensive Recovery Framework. https://asean.org/storage/FINAL-ACRF_adopted_37th-ASEAN-Summit_18122020.pdf
[46] ASEAN Post-2015 Health Development Agenda (2016-2020) https://asean.org/?static_post=asean-post-2015-health-development-agenda-2016-2020

However, regional oversight is currently being provided by the health sector, and the animal and wildlife sectors are not explicitly integrated into that oversight.

Because of COVID-19, the ASEAN Coordinating Council (ACC) has been designated to coordinate and provide oversight to the ASEAN collective response to the pandemic.[47] The ACC is assisted by a Working Group on Public Health Emergencies, which conducted its inaugural meeting on 31 March 2020. The Working Group is composed of senior officials from all three ASEAN Community Pillars, with the mission to facilitate coordination and collaboration among relevant ASEAN sectors. Thus, it is an inter-pillar, multisectoral platform, serving as the main response coordinating entity to prevent social and economic downturns, pursuant to the Declaration of the Special ASEAN Summit on COVID-19 on 14 April 2020. ASEAN leaders stress the importance of a multi-stakeholder, multisectoral, and comprehensive approach to effectively respond to COVID-19 and future public health emergencies. In promoting One Health objectives, ASEAN is expected to pursue actions on the basis of the Declaration of the Special ASEAN Summit on COVID-19, the ASEAN Strategic Framework for Public Health Emergencies, and the ASEAN Comprehensive Recovery Framework and Implementation Plan.[48] As a matter of obligation, AMS are legally compelled to enhance One Health capacities as explicitly required by the International Health Regulations Asia Pacific Strategy for Emerging Diseases and Public Health Emergencies III.[49]

In October 2016, the ASEAN Coordinating Center for Animal Health and Zoonoses (ACCAHZ) was established to provide a comprehensive, integrated, and concerted regional approach to coordinate national approaches in animal health and zoonoses measures, including disease surveillance, diagnosis and control, and quick response.[50] It provides policy and technical advisory support to the ASEAN Sectoral Working Group on Livestock and other relevant ASEAN bodies in the development and implementation of regional strategies for the prevention, control, and eradication of transboundary animal diseases and zoonoses. Countries continue to promote One Health collaboration as per agreement in the ACCAHZ.

The inclusion of wildlife and biodiversity protection in the ASEAN One Health agenda is being enabled, partly in conjunction with existing wildlife and biodiversity-related programs and frameworks in ASEAN, which include the ASEAN Heritage Parks Programme, wildlife conservation and ecosystems restoration initiatives, and the ASEAN Wildlife Enforcement Network. The Chiang Mai Statement during the Special ASEAN Ministerial Meeting on Illegal Wildlife Trade in March 2019 emphasized the importance of developing cooperation at all levels to eradicate wildlife poaching and trafficking. The key aspects include global and regional wildlife trade policy, demand reduction, law enforcement, and wildlife cybercrime.[51]

ASEAN Member States such as Malaysia, Singapore, Thailand, the Philippines, and Viet Nam have initiated One Health efforts, currently putting emphasis on prevention and response to emerging diseases including COVID-19. Most multisectoral, multidisciplinary One Health coordination efforts within ASEAN do not include comprehensive wildlife and biodiversity management in their agendas, which should detail approaches to safe and sustainable wildlife use and consumption. Issues related to

[47] ASEAN Strategic Framework For Public Health Emergencies. https://asean.org/asean-strategic-framework-public-health emergencies/
[48] Declaration of the Special ASEAN Summit on Coronavirus Disease 2019 (COVID-19), 14 April 2020. https://asean.org/storage/2020/04/FINAL-Declaration-of-the-Special-ASEAN-Summit-on-COVID-19.pdf
[49] Asia Pacific Strategy for Emerging Infectious Diseases and Public Health Emergencies. Advancing the Implementation of the International Health Regulations (2005). World Health Organization. 2017. ISBN 978 92 9061 817 1 https://iris.wpro.who.int/bitstream/handle/10665.1/13654/9789290618171-eng.pdf
[50] Agreement on the Establishment of ASEAN Coordinating Centre for Animal Health and Zoonoses http://agreement.asean.org/media/download/20161108071810.pdf
[51] The Special ASEAN Ministerial Meeting On Illegal Wildlife Trade 21–22 March 2019, Chiang Mai, Thailand. Chiang Mai Statement of ASEAN Ministers Responsible for CITES and Wildlife Enforcement on Illegal Wildlife Trade

IWT and biodiversity disruption have not been well addressed until recently, where the inclusion of the wildlife and environment sector and concerned professionals has been stressed.

Recently, member states have strengthened their One Health coordination mechanisms. While some countries do not have formal policies for One Health, various strategies and mechanisms have been developed to address zoonoses threats. The current state of multisectoral coordination mechanisms related to One Health are described below.[52,53,54,55]

Country	Multisectoral Coordination Mechanisms Related to One Health
Brunei	Joint Task Force for the Prevention and Control of Rabies Brunei Darussalam Antimicrobial Resistance Committee
Cambodia	Technical Working Group on Zoonotic Diseases National Strategy to Combat Antimicrobial Resistance (2015-2017) with a Technical Working Group on Antimicrobial Resistance Food Safety Taskforce
Indonesia	Presidential Instruction (Inpres) Number 4 of 2019 on Capacity Enhancement in Preventing, Detecting, and Responding to Outbreaks of Disease, Global Pandemic and Nuclear, Biological and Chemical Emergencies
Lao PDR	Strategic Plan on Rabies Prevention and Control in Lao PDR: 2016-2020 Pandemic Preparedness Plan and the Joint National Preparedness and Contingency Plan for Avian Influenza
Philippines	Philippine Interagency Committee on Zoonoses promulgated under Presidential Order No. 10 (April 2011)
Malaysia	Jawatankuasa Antara Agensi bagi Kawalan Penyakit Zoonotik (JKAKKPZ) 2009 Ministry of Health, Department of Veterinary Services – Ministry of Agriculture and Food Industries, and Department of Wildlife and National Parks Peninsular Malaysia National Strategic Workplan for Emerging Disease and All Hazards (MySED II 2017-2021); Strategic Plan for Zoonosis, 2019

[52] ASEAN WEBINAR ON RISKS OF ZOONOTIC DISEASES TRANSMISSION FROM ILLEGAL WILDLIFE TRADE, 24 FEBRUARY 2021, MALAYSIA
[53] Indonesian Presidential Instruction No. 4. 2019. Presidential Instruction (INPRES) on Capacity Building to Prevent, Detect and Respond to Disease Outbreaks, Global Pandemics, and Nuclear, Biological and Chemical Emergencies. https://peraturan.bpk.go.id/Home/Details/110251/inpres-no-4-tahun-2019
[54] Tangwangvivat R, K. Boonyo, W. Toanan, S. Muangnoichareon, S. Na Nan, S. Iamsirithaworn and O. Prasarnphanich. Promoting the One Health Concept: Thai Coordinating Unit for One Health. Rev. Sci. Tech. Off. Int. Epiz., 2019, 38 (1), 271–278
[55] Vietnam One Health Partnership Framework for Zoonoses between Ministry of Agriculture and Rural Development, Ministry of Health, Ministry of Environment and Natural Resources, and International and National Partners. 23 March 2021, Hanoi, Vietnam

Myanmar	National Action Plan on Antimicrobial Resistance and Joint Risk Assessment on Zoonotic Diseases; No formal National One Health multisectoral coordination
Singapore	One Health Framework with Coordinating Committee composed the Ministry of Health, National Environment Agency, National Parks Board/Animal and Veterinary Service, Singapore's National Water Agency, and Singapore Food Agency; One Health Antimicrobial Resistance Research Programme (OHARP)
Thailand	Coordination Unit for One Health established by the National Committee on Emerging Infectious Diseases Preparedness and Response (2014) National Strategic Plan for Emerging Infectious Disease (2017-2021) National Strategic Plan on Antimicrobial Resistance (2017-2021) Pandemic Influenza Preparedness Action Plan in Public Health (B.C. 2019-2021) Thailand One Health University Network
Viet Nam	Joint Circular between the Ministry of Health and the Ministry of Agriculture and Rural Development on zoonotic diseases prevention and control - setting up an appropriate One Health coordination mechanisms Viet Nam One Health Partnership Framework for Zoonoses, Phase 2021-2025

2.3.5 Recommendations on One Health collaborations in ASEAN

The growth of food value chains of livestock and wildlife is considered a major zoonotic disease risk driver. A good sustainable wildlife management program will improve wildlife conservation and food security, and address zoonotic risks from wildlife trade and the wildlife meat consumption.[56] To support more effective control of diseases and reduced disease transmission, ASEAN should promote a better understanding of the role of wildlife in transboundary animal diseases. This includes understanding the attributions of zoonotic disease risk and threats to IWT. To date, the reservoirs and intermediate hosts of SARS-CoV-2 are still unknown. There is need to clarify disease dynamics at the wildlife and livestock interface.

Activities in One Health should be situated within the broader global initiative Preventing the Next Pandemic and the strategic components of the Tripartite Guide to address zoonotic diseases. ASEAN

[56] FAO, CIRAD, CIFOR & WCS. 2020. White paper: Build back better in a post-COVID-19 world – Reducing future wildlife-borne spillover of disease to humans: Sustainable Wildlife Management (SWM) Programme. Rome, FAO. https://doi.org/10.4060/cb1503en

should be cognizant of the urgency of implementing activities addressing the key elements of spillover risks and impact mitigation, especially at the sources of zoonoses and pandemic threats. Efforts such as expanding, institutionalizing, and strengthening the structures and mechanisms of the regional and national multisectoral One Health networks must be pursued now. The aim is to include other relevant stakeholders and to formalize the regional multi-stakeholder alliance to sustain risk management at the animal-human-environment interface.

ASEAN's One Health Capacity Strengthening Strategic Framework should encompass the following components, in which regional stakeholders can contribute:

- Multisectoral One Health coordination system
- Strategic planning and emergency preparedness
- Surveillance, investigation, and response
- Risk communication and advocacy
- Risk and impact assessment and mitigation
- Institutional frameworks (legal, legislative, and policy)

AMS should aim for safe and sustainable wildlife management by using existing Tripartite One Health operational tools for improving multisectoral coordination mechanisms, as well as the ones for joint risk assessment, and surveillance and information sharing. Relevant stakeholders should be constantly engaged in One Health Coordination and Planning.

The ecological security agenda should be a main objective of One Health collaborations, putting attention on the insecurity or fragility of biodiversity, including of natural water and food sources, wildlife, forests, and fisheries. ASEAN must address the security implications of ecological disruption, and to achieve balance where, for instance, wildlife use and consumption must still be allowed. It must prevent and manage the drivers of ecological disruptions. As biodiversity relates to human health and livelihoods, then it must be protected from the harmful outcomes of IWT through a One Health approach. One Health policies, plans, and programs encompassing wildlife management are needed.
The weak health system infrastructure in low- and middle-income countries increases countries' vulnerability to zoonotic emerging infectious diseases. AMS have different social and economic structures, where drivers of zoonotic disease emergence vary according to human demographics, urban development, livestock, agricultural growth, and access to global transportation. These pose varying complexities to risk management. Not all member states have strong One Health policies, legislation, and good sustainable wildlife management programs to address the risk to address public health threats.

National policy decisions should balance factors related to the species and habitats, governance and institutional settings, supply-chain structure, and markets. These factors include species resilience, distribution, and accessibility; property rights and policies such as CITES listings, quotas, and bans; production costs, intermediaries, monopolies, and stockpiling; and market demand elasticity and size.

Recommendations on sustainable and safe human life-biodiversity co-existence include:

- Ensuring food security and livelihoods of vulnerable communities;
- Biodiversity preservation and restoration;
- Avoidance of drastic actions that result in negative outcomes;
- Closer regulation and monitoring of wildlife harvesting and use;
- Involvement of the private sector in reviewing and revising value chains at the national level and international collaboration.

Proposed elements for a Roadmap for One Health collaborations in combating illegal wildlife trade

ASEAN member states must strive to narrow the One Health development gaps and commit to establishing formal One Health multisectoral coordination mechanisms that would draft joint preparedness and response plans. One Health initiatives relating to IWT should be contained in a roadmap for combating IWT through a One Health approach. The following are proposed elements for this envisioned roadmap.

1. Strengthened cross-sectoral collaboration – ASEAN should reform its traditional operational structure with separate sectoral bodies to better promote cross-sectoral collaboration. This is beginning to be realized, with the establishment of the ASEAN Coordinating Council Working Group on Public Health Emergencies, which sees the integration of non-health sectors in public health emergencies strategies directed at the underlying social, economic, environmental, and political determinants of health.

2. One Health multisectoral participation – Participation should be expanded to include representatives from industries that are implicated in causing ecological disruption and driving food insecurity and reliance on wildlife trade in local communities.

3. Strengthened IWT law enforcement – Countries should strengthen law enforcement that will prevent proliferation of IWT, as well as promote sustainable wildlife use and management and awareness, especially within urban communities that are driving wildlife meat trade and consumption.

4. Quantifiable targets – Quantifiable targets to reduce deforestation and ecological degradation are needed, eventually achieving a full ban on wildlife trade.

5. Inventory of public awareness campaigns – Taking stock of and enhancing public awareness campaigns organized by AMS.

6. Poverty reduction initiatives – Poverty reduction and safeguards on food and livelihood security within local communities will help divert local communities away from IWT activities. Ensuring access to supplementary income should also be incorporated into sustainable wildlife management programs. ASEAN should also address the need for protein sources among indigenous people, and aim for a total ban on wildlife use intended to satisfy the demand for luxury products.

7. Understand local and international consumption and demand – Policymakers must understand the relationship of local wildlife consumption to international wildlife consumption and trade demand. This includes information on the species traded, sources of wildlife, characteristics of the local market as related to international markets, profiles of hunters, buyers, and traders, and the motivations to engage in hunting and trading.

NATIONAL LEGAL FRAMEWORKS IN ADDRESSING ILLEGAL WILDLIFE TRADE IN ASEAN

2.4 BRUNEI DARUSSALAM

2.4.1 International and regional framework

Brunei is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The country is a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters and adopted its Mutual Assistance in Criminal Matters Order in 2005.

Brunei participates in the ASEAN Working Group on CITES and Wildlife Enforcement under the ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) and the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber under the ASEAN Senior Officials Meeting on Transnational Crime.

The country became a member of the Asia Pacific Group on Money Laundering (APG) in December 2002. Brunei's second APG Mutual Evaluation report was adopted in July 2010. Brunei is not a member of the Financial Action Task Force (FATF).

For a table of Brunei's laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters, please refer to Appendix A.2.1.

2.4.2 National strategies and policies

Brunei in 2021 is in the process of preparing an action plan for handling illegal wildlife trafficking domestically, beginning with a preliminary general public survey on wildlife-related issues. Initial discussions with relevant agencies are ongoing to strengthen cooperation to curb domestic illegal wildlife trafficking.

Although Brunei does not yet have a national strategic plan, the government agencies involved are implementing measures to combat illegal wildlife trade. These measures include:

- Conducting a census/inventory of national wildlife populations;
- Establishing linkages and collaboration with other wildlife agencies in the region;
- Continuing awareness raising programs;
- Promoting economic activities in support of national economic diversification through the sustainable use of wildlife resources;
- Establishing a rehabilitation center and sanctuary habitat;
- Offering more training for personnel of the Wildlife Division;
- Exploring opportunities for support from international organizations' financing mechanisms.

2.4.3 National legal framework

2.4.3.1 CITES implementation

Brunei has been a Party to CITES since 1990. Its principal implementing law, the Wild Fauna and Flora Order 2007, is classified as Category 1 legislation that generally meets the requirements for implementation of CITES. The Wildlife Protection Act (Chapter 102) 1984 also governs some aspects of wildlife trade. The Forestry Department is responsible for implementation.

2.4.3.2 Wildlife conservation

The principal laws governing wildlife conservation are the Wildlife Protection Act and the Wild Fauna and Flora Order. The Wildlife Protection Act provides for establishing wildlife sanctuaries and regulates the activities that may be carried out in a sanctuary.

2.4.3.3 Customs

The Customs Order 2006 defines "goods" to include animals, birds, fish, plants, and all kinds of movable property. The Order defines "in transit" to mean taken or sent from any country and brought into Brunei by land, sea, or air for the sole purpose of being carried to another country.

2.4.3.4 Anti-money laundering

The Criminal Asset Recovery Order 2012 defines "unlawful activity" to mean an act, omission, or attempt that constitutes an offense against a law in force in Brunei Darussalam or a foreign country.

2.4.4 Highlights of key provisions and findings

The Wild Fauna and Flora Order identifies "trade" as comprising import, export, re-export, and introduction from the sea. The Order specifies that "in transit", with respect to vehicles and containers, has the same meaning as in the Customs Order but does not regulate transit of wildlife species. It requires a permit to import and export and a certificate to re-export and introduce from the sea any CITES-listed species. The Order regulates the export and re-export of captive-bred specimens but does not regulate captive breeding. The Order places the burden of proof on the person in possession. Seized specimens of CITES-listed species remain in the custody of the Director of the Department of Agriculture until they are released or forfeited; the Director determines the disposal of any forfeited specimen of a CITES-listed species, after consultation with the scientific and management authorities. The Order specifies that its provisions are in addition to, and not in substitution for, the provisions of any other written law in relation to the export or import of, or trade in, any species, and do not affect the exercise of any power in those laws, which means that export of CITES-listed species, which are also listed in the schedule to the Wildlife Protection Act, could be subject to penalties under both laws.

The Wildlife Protection Act establishes a list of protected animals which includes CITES-listed species. The Act prohibits the unlicensed trade of any specimen of a protected animal if the specimen was not acquired legally and places the burden of proof on the person in possession of the specimen. The unlicensed export of any protected animal is also prohibited; the Act does not prohibit the export of parts of a protected animal, only the animal itself. The Act does not regulate captive breeding or consumption. It provides that a magistrate court has full jurisdiction over all offenses and requires reporting to a magistrate if an animal is seized. Under the Criminal Procedure Code, the magistrate decides what is done with a seized animal and may order it to be sold. The Act does not regulate consumption of protected animals.

Summary of findings with respect to CITES-listes species and other listed protected species:

- Import – allowed, subject to a permit
- Export – allowed, subject to a permit
- Re-export – allowed, subject to a certificate
- Introduction from the sea – allowed, subject to a certificate
- Transit – not regulated
- Possession – regulated
- Captive breeding – not regulated
- Trading – includes import and export, which are allowed, subject to a permit
- Consumption – not regulated
- Handling confiscated species to prevent their re-entry into illegal trade – partially regulated

The following inconsistencies in the legal framework merit review:

- Transit of CITES-listed species is not regulated.
- Captive breeding of CITES-listed species and other protected species is not regulated.
- Consumption of CITES-listed species and other protected species is not regulated.

2.4.5 Penalties

UNTOC, to which Brunei is a Party, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty". The Criminal Asset Recovery Order 2012 defines "serious offense" to mean an offense punishable under Brunei law with the death penalty, imprisonment for a term of not less than six months, or a fine of not less than the equivalent of approximately US$735. It also includes an offense under the law of any other country that would be punishable in Brunei with imprisonment for a term of not less than six months or a more severe penalty.

The Wild Fauna and Flora Order penalizes offenses according to the level of protection. The Act penalizes unlicensed possession of and trading in CITES-listed species; trading encompasses import, export, re-export, and introduction from the sea.

Under the Order, an individual who illegally possesses or trades specimens of any CITES Appendix I species is penalized with imprisonment for a term not exceeding five years, a fine not exceeding the equivalent of approximately US$73,529, or both; a corporate entity committing the same offense is subject to a fine not exceeding the equivalent of approximately US$147,059. The penalties for an individual who illegally possesses or trades CITES Appendix II specimens are imprisonment for a term not exceeding three years, a fine not exceeding the equivalent of approximately US$36,765, or both; a corporate entity committing the same offense is subject to a fine not exceeding the equivalent of approximately US$73,529. An individual who illegally possesses or trades specimens of any CITES Appendix III species is penalized with a fine not exceeding the equivalent of approximately US$27,574; a corporate entity committing the same offense is subject to a fine not exceeding the equivalent of approximately US$55,147. The Order stipulates that any officer of a corporate entity who is proved to have been negligently or intentionally complicit in an offense will also be penalized individually.

Under the Wildlife Protection Act, the penalty for unlicensed possession and trade of any specimen of a protected animal is imprisonment for six months and a fine equivalent to approximately US$735. The unlicensed export of a protected animal is penalized with imprisonment for one year and a fine equivalent to approximately US$1,471.

The Criminal Asset Recovery Order penalizes an individual convicted of money laundering with imprisonment for a term not exceeding 10 years and/or a fine not exceeding the equivalent of approximately US$367,647; a convicted corporate entity is subject to a fine not exceeding the equivalent of approximately US$735,294.

Table 7. Penalties (Selected Offenses) - Brunei Darussalam

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding

Wildlife Protection Act Chapter 102	Sec. 8 any illegally acquired protected animal **6 months**	-	Sec. 9 any animal **1 year**	-	Sec. 4(4) in a wildlife sanctuary **6 months** Sec. 8 any illegally acquired protected animal **6 months**	-	-
Wild Fauna and Flora Order 2007	Sec. 47 Appendix I species **not exceeding 5 years** Appendix II species **not exceeding 3 years**	Sec. 47 Appendix I species **not exceeding 5 years** Appendix II species **not exceeding 3 years**	Sec. 47 Appendix I species **not exceeding 5 years** Appendix II species **not exceeding 3 years**	-	Sec. 48 Appendix I species **not exceeding 5 years** Appendix II species **not exceeding 3 years**	-	-
FINES (in USD)[57]							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Wildlife Protection Act Chapter 102	Sec. 8 any illegally acquired protected animal **$735**	-	Sec. 9 any animal **$1,471**	-	Sec. 4(4) in a wildlife sanctuary **$735** Sec. 8 any illegally acquired protected animal **$735**	-	-
Wild Fauna and Flora Order 2007	Sec. 47 Appendix I species individual **not exceeding $73,529** corporate **not exceeding $147,059** Appendix II species	Sec. 47 Appendix I species individual **not exceeding $73,529** corporate **not exceeding $147,059** Appendix II species	Sec. 47 Appendix I species individual **not exceeding $73,529** corporate **not exceeding $147,059** Appendix II species	-	Sec. 48 Appendix I species individual **not exceeding $73,529** corporate **not exceeding $147,059** Appendix II species	-	-

[57] Exchange rate used: 1 US dollar = 1.36 Brunei Dollar. (Source: https://data.worldbank.org/indicator/PA.NUS.FCRF)

	individual **not exceeding $36,765** corporate **not exceeding $73,529** Appendix III species individual **not exceeding $27,574** corporate **not exceeding $55,147**	individual **not exceeding $36,765** corporate **not exceeding $73,529** Appendix III species individual **not exceeding $27,574** corporate **not exceeding $55,147**	individual **not exceeding $36,765** corporate **not exceeding $73,529** Appendix III species individual **not exceeding $27,574** corporate **not exceeding $55,147**		individual **not exceeding $36,765** corporate **not exceeding $73,529** Appendix III species individual **not exceeding $27,574** corporate **not exceeding $55,147**		

2.4.6 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

Brunei Darussalam has not entered into any bilateral/multilateral agreements/MoUs, regionally or internationally, relating to the implementation and enforcement of its CITES regime.

2.4.7 Implementation highlights and enforcement activities

The Forest Department maintains regular coordination with the Royal Brunei Police Force, the Royal Custom and Excise Department, and district offices and municipal boards in all four districts to combat any illegal wildlife trade domestically and internationally.

Priorities for enhancing enforcement include:

- Amending the Wildlife Protection Act 1984, which is pending approval in the second quarter of 2021;
- Reviewing the Wild Fauna and Flora Order, 2007;
- Establishing collaboration between the Brunei Royal Police Force and the Forestry Department Enforcement Unit to tackle illegal poaching and hunting of wildlife;
- Supporting the enforcement of the Wild Fauna and Flora Order by strengthening interagency collaboration and coordination in wildlife investigation, intelligence, and surveillance;
- Conducting patrolling and monitoring operations in wildlife habitat areas;
- Investigating illegal harvesting and wildlife poaching sites;
- Monitoring the sale of wildlife either through social media or open markets;
- Supporting the enforcement of the Wild Fauna and Flora Order with other related agencies.

2.4.8 Implementation and enforcement challenges

In 2021, due to the pandemic, ports and land entry points remain closed, which has reduced transboundary trade to a minimum and refocused implementation and enforcement efforts on domestic rather than trans-boundary illegal wildlife trade. Brunei's domestic illegal wildlife trade is mostly conducted through social media. The majority of the animals traded are birds, with a small percentage of mammals, and most of the animals being offered and traded online within Brunei are

not listed protected species. Nevertheless, the responsible government agencies are planning to conduct spot checks at various markets and private premises, as well as monitoring online activities.

Key implementation and enforcement challenges include:

- Enforcing the laws governing poaching, domestic trading, and importing of non-protected species and exotic species;
- Assessing the economic losses caused by illegal trade activities;
- The lack of procedures for tracking captive breeding of wildlife;
- Creating economic opportunities through the sustainable use of wildlife resources;
- Limited availability of national experts on wildlife;
- Illegal online trade;
- Building the management capacity of the wildlife division;
- Lack of fauna population studies.

3.1.10 Legal instruments cited

- Wild Fauna and Flora Order 2007
- Wildlife Protection Act (Chapter 102) 1984
- Customs Order 2006
- Criminal Asset Recovery Order 2012

2.5 CAMBODIA

2.5.1 International and regional framework

Cambodia is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The country is a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters.

Cambodia participates in the ASEAN Working Group on CITES and Wildlife Enforcement under the ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) and the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber under the ASEAN Senior Officials Meeting on Transnational Crime.

The country became a member of the Asia Pacific Group on Money Laundering (APG) in June 2004. Cambodia's second APG Mutual Evaluation report was adopted in July 2017. Cambodia is not a member of the Financial Action Task Force (FATF).

For a table of Cambodia's laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters please refer to Appendix A.2.2.

2.5.2 National strategies and policies

The National Biodiversity Strategy and Action Plan 2016-2025 highlights that the threat to wildlife is from illegal hunting and trade, overexploitation, and habitat destruction, and degradation. The scale of the illegal wildlife trade is substantial, driven by international demand for meat and traditional medicines.

The National Forest Programme 2010-2029 specifies that prevention of illegal wildlife trade and management of confiscated animals will be accomplished by strengthening law enforcement activities aimed at eradicating illegal wildlife trade and continuously developing new approaches to wildlife trade prevention. It also focuses on support for wildlife rescue, rehabilitation, captive breeding, and release programs. To implement the first objective, the jurisdiction of law enforcement officers to work in permanent forest reserves and other land use types will be clarified and actions will be taken to address cross-border trade. Measures to implement the second objective will focus on developing appropriate facilities, including buildings and enclosures, for confiscated, orphaned, injured, and displaced wildlife, as well as building up populations of endangered species in captivity for future reintroduction programs.

2.5.3 National legal framework

2.5.3.1 CITES implementation

Cambodia has been a Party to CITES since 1997. Its principal implementing legal instrument, the Sub-Decree on International Trade in Endangered Wild Animal and Plant Species No. 53/2006, is classified as Category 1 legislation that generally meets the requirements for implementation of CITES.

2.5.3.2 Wildlife conservation

The Law on Forestry 2002 is the principal law governing the conservation of all wild species except for fish and animals that breed in water. The Law defines "forest resources" to include wildlife, "forest byproducts" to include wildlife products, and specifies that "wildlife specimen" means dead animals and their parts. Under the Law, wildlife is grouped into three categories: endangered, rare, and common.

Declaration No. 20/2007 on Classification and List of Wildlife Species 2007 listed 16 wild species, five of which were CITES Appendix I species and 10 of which were CITES Appendix II species. Declaration No. 240/2018 on Classifying Additional Wildlife Species into the Annexed Lists of Declaration No. 20/2007 added African elephants and four species of rhinoceros to the list of endangered species and added seven species of pangolins to the list of rare species.

The Law on Fisheries 2006 defines "fishery products" to include aquatic animals.

The Law on Environmental Protection and Natural Resource Management 1996 defines "natural resources" to include wildlife but does not regulate wildlife.

2.5.3.3 Customs

The Customs Law 2007 defines "prohibited goods" to mean goods whose import, export, trade, possession, or use is prohibited in order to protect natural resources and implement the provisions of other national laws. Sub-decree No. 209/2007 on the Enforcement of the List of Prohibited and Restricted Goods lists some specimens of CITES-listed species and also provides that any product originating from a CITES-listed animal, and which is not explicitly listed in the sub-decree due to a technical issue, nevertheless requires a CITES permit for its import or export.

2.5.3.4 Anti-money laundering

The Law on Anti-Money Laundering and Combatting the Financing of Terrorism 2020 defines a "predicate offense" to mean any felony or misdemeanor as a result of which proceeds have been generated that may become the subject of money laundering. This means that illegal wildlife trade, as it is penalized under the Law on Forestry, is considered a predicate crime.

2.5.4 Highlights of key provisions and findings

The Law on Forestry prohibits the possession, trade, export, and import of endangered and rare wildlife. Trading, export, and import of common wildlife species require a permit. The Law does not regulate re-export. It allows licensed captive breeding of endangered and rare species. The Law guarantees traditional customary use of forest byproducts but does not otherwise regulate consumption of wildlife.

The Sub-Decree on International Trade in Endangered Wild Animal and Plant Species prohibits the export, import, re-export, and introduction from the sea of specimens of species listed on CITES Appendix I for primarily commercial purposes, and allows those actions for non-commercial purposes, subject to a permit with specified conditions. The export, import, re-export, and introduction from the sea of specimens of species listed on CITES Appendices II and III is subject to a permit. Transit is defined but not regulated. The Sub-decree regulates the captive breeding of CITES-listed species. It provides for the repatriation, release, or other arrangement for confiscated specimens of species listed in CITES Appendix I, as approved by the CITES Management Authority and relevant CITES Scientific Authorities.

Summary of findings with respect to endangered and rare wildlife and CITES-listed species:

- Import – allowed for CITES Appendix I-listed species of non-commercial purposes and for Appendix II and III species, subject to a permit; prohibited for Appendix I species for commercial purposes
- Export – same as for import
- Re-export – same as for import
- Introduction from the sea – same as for import
- Transit – not regulated
- Possession – regulated

- Captive breeding – allowed, subject to a permit
- Trading – regulated
- Consumption – other than traditional customary use, not regulated
- Handling confiscated species to prevent their re-entry into illegal trade – partially regulated

The following inconsistencies in the legal framework merit review:

- Some CITES Appendix I species are listed as endangered while others are listed as rare, with lower penalties for trade in rare species.
    - To be consistent with CITES, penalties for the import, export, re-export, and introduction from the sea of all CITES Appendix I species should be the same, and penalties for the import, export, re-export, and introduction from the sea of all CITES Appendix II species should be the same.
- Import and possession of endangered and rare species should be penalized at the same level as their export and trade.
- Re-export of endangered and rare species should be penalized to comply with CITES.
- Transit is not regulated.
- Captive breeding of endangered and rare wildlife is allowed but the captive breeding of endangered wildlife is penalized.
- Consumption of endangered, rare, and CITES-listed species is not regulated other than to guarantee traditional customary use.
- Penalties for import, export, trade, and introduction from the sea of all endangered species should be the same. The Law on Fisheries penalizes the unlicensed trading, export, and import of endangered natural fishery products only with an administrative fine. Another inconsistency in the Law on Fisheries penalizes the import of any aquatic animal with fines higher than the fines for importing endangered aquatic animals.

2.5.5 Penalties

UNTOC, to which Cambodia is a Party, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty".

The Law on Forestry classifies the trade and export of endangered wildlife species as a Class I forestry offense, penalized with imprisonment of a term from five to 10 years; for repeat offenders, the penalty is doubled. The import and possession of endangered wildlife species or specimens and the trade and export of rare species are a Class II forestry offense and are penalized with imprisonment of a term from one to five years and/or a fine equivalent to a minimum of approximately US$2,462, up to a maximum of approximately US$24,624. The import and possession of rare wildlife species are penalized with a fine equivalent to two to three times the market value of the evidence. Any individual committing repeated Class II offenses is penalized as for a Class I offense. The Law enables licensed captive breeding of endangered and rare wildlife species but penalizes such captive breeding with a fine equivalent to two to three times the market value of the evidence.

The Sub-decree on International Trade in Endangered Wild Animal and Plant Species stipulates that any individual who has committed CITES offenses multiple times, in addition to penalties under applicable laws, will be banned from conducting international trade in CITES species in the Kingdom of Cambodia for a period of three to five years.

The Law on Anti-Money Laundering and Combatting the Financing of Terrorism penalizes individuals convicted of money laundering with two to five years' imprisonment and a fine ranging from a minimum equivalent to approximately US$24,624 to a maximum of approximately US$123,118; convicted legal

entities are penalized with a fine ranging from a minimum equivalent to approximately US$49,247 to a maximum of approximately US$246,236.

Table 8. Penalties (Selected Offenses) - Cambodia

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Law on Forestry 2002	Art. 97 endangered Class I **5-10 years** Multiple offenses **double the Class I penalty** Art. 98 rare Class II **1-5 years**	Art. 98 endangered Class II **1-5 years**	Art. 97 endangered Class I **5-10 years** Multiple offenses **double the Class I penalty** Art. 98 rare Class II **1-5 years**	-	Art. 98 endangered Class II **1-5 years**	-	-
FINES (in USD)[58]							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Law on Forestry 2002	Art. 98 rare Class II **$2,462 to $24,624** multiple offenses **penalized as Class I**	Art. 96 rare **2-3 times market value** Art. 98 endangered Class II **$2,462 to $24,624**	Art. 98 rare Class II **$2,462 to $24,624**	-	Art. 96 rare **2-3 times market value** Art. 98 endangered Class II **$2,462 to $24,624**	-	Art. 96 endangered and rare **2-3 times market value**

2.5.6 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

Cambodia has not entered into any bilateral/multilateral agreements/MoUs, regionally or internationally, relating to the implementation and enforcement of its CITES regime but, as of 2021, intends to work with Lao PDR and Thailand to develop such MoUs.

2.5.7 Implementation highlights and enforcement activities

Enforcement activities are led by the Forestry Administration in particular cooperation with the general police and the Anti-Economic Crime Police, customs, and the courts. Enforcement activities

[58] Exchange rate used: 1 US dollar = 4,061.15 Cambodia Riels. Source: https://data.worldbank.org/indicator/PA.NUS.FCRF

include monitoring and stopping any illegal wildlife trade in restaurants, markets, tourist sites, seaports, and airports. The General Department of Administration for Natural Conservation and Protection, local authorities, other government law enforcement agencies, Administration Unity Commissioners of the capital, provinces, cities, districts, and communes, Community Forestry Management Committees, NGOs, and the media all support the enforcement activities.

Best practices include:

- Networks of local informants who are wildlife lovers are given information on the wildlife trade in restaurants, tourist sites, markets, and households;
- A mobile wildlife rapid rescue team (WRRT) for wildlife law enforcement, which is an interagency team that includes the Forestry Administration and police, with support from Wildlife Alliance. The WRRT provides a 24-hour hotline for reporting any wildlife trade and takes rapid action whenever trade is reported.

2.5.8 Implementation and enforcement challenges

Key implementation and enforcement challenges include:

- Lack of requirements and methodologies for valuing wildlife;
- Lack of wildlife identification and forensic skills;
- Out-of-date wildlife classification;
- Lack of equipment and intelligence networks, and competition with middlemen, for investigating inbound and outbound wildlife trade;
- Cyber wildlife trade is not defined in the law;
- Lack of capacity for tracking online trade and the fact that cyber-crime/trade investigation is not under the jurisdiction of the Forestry Administration;
- Lack of/limited information-sharing, nationally and internationally;
- Lack of dissemination of forestry law and regulations to key stakeholders;
- Local culture and beliefs on keeping wild animals as pets.

3.2.10 Legal instruments cited

- Sub-Decree on International Trade in Endangered Wild Animal and Plant Species No. 53/2006
- Law on Forestry 2002
- Prakas/Declaration No. 20/2007 on Classification and List of Wildlife Species
- Prakas/Declaration No. 240/2018 on Classifying Additional Wildlife Species into the Annexed Lists of Prakas/Declaration No. 20/2007
- Law on Fisheries 2006
- Customs Law 2007
- Sub-decree No. 209/2007 on the Enforcement of the List of Prohibited and Restricted Goods
- Law on Anti-Money Laundering and Combatting the Financing of Terrorism 2020

2.6 INDONESIA

2.6.1 International and regional framework

Indonesia is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The country is also a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters and has enacted an implementing law (No. 1/2006).

Indonesia participates in the ASEAN Working Group on CITES and Wildlife Enforcement under the ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) and was one of the first five ASEAN Member States to establish a national task force on wildlife enforcement. The country also participates in the Working Group on Illegal Timber and Wildlife Trafficking under the ASEAN Senior Officials Meeting on Transnational Crime.

Indonesia became a member of the Asia Pacific Group on Money Laundering (APG) in August 1999, held the rotating APG co-chair role from 2006 to 2008, and underwent an APG Mutual Evaluation in 2008. The country is an observer to the Financial Action Task Force (FATF).

For a table of Indonesia's laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters, please refer to Appendix A.2.3.

2.6.2 National strategies and policies

Indonesia developed a National Strategy and Action Plan 2021-2025 on Combatting Illegal Wild Animal Trade in Indonesia (Nastra CIWT). The strategies to reduce illegal wildlife trade in Indonesia include targeted interventions to: develop a Law Enforcement Centre of Intelligence; promote a science and technology approach; increase the capacity of frontline officers, including forest police, investigators, prosecutors, and judges; strengthen cooperation in wildlife law enforcement; and engage with the public including through non-governmental organizations, universities, and research agencies, among others. The four national priorities under the strategy are to: 1) reduce poaching; 2) reduce wildlife trafficking; 3) reduce demand; and 4) increase capacity. The approval process for the Plan as an official document was ongoing in the first quarter of 2021.

Future plans for implementing the Nastra CIWT include:

- Strengthening wildlife cyber patrol/intelligence;
- Increasing ranger patrols for animal traps and poaching in other conservation areas;
- Carrying out an effective communications strategy and awareness raising campaign;
- Strengthening the intelligence network for combating wildlife crime;
- Developing check posts for wildlife trafficking in other strategic sea ports and international borders;
- Developing an illegal wildlife trafficking database and distribution map;
- Developing a database of protected wild animals and developing a mobile application for identifying species;
- Strengthening joint patrols and operations;
- Optimizing the results from the Global Environment Facility (GEF) Combating Illegal Wildlife Trade Project (see section 3.3.7).

In 2008, Indonesia created a National Task Force for the ASEAN Wildlife Enforcement Network. In addition, several regions including North Sumatra, Aceh, Maluku, and Papua have established task

forces which engage law enforcement authorities including the police and the army, Regional Offices of the Ministry of Environment and Forestry, and local governments.

2.6.3 National legal framework

3.3.3.1 CITES implementation

Indonesia has been a Party to CITES since 1978. Its legislation is classified as Category 1, which means that it generally meets the requirements for implementation of CITES.

The Act on Conservation of Living Resources and their Ecosystems (No. 5/1990), Ministry of Trade Regulation No. 50/2013 on Unlawful Export of Natural Plants and Wildlife and Included in the List of CITES, and Ministry of Forestry Regulation No. 447/2003 concerning Administration Directive of Harvest or Capture and Distribution of the Specimens of Wild Plant and Animal Species are the primary legal instruments for the implementation of CITES. Government Regulation on Preservation of Wild Plants and Animals (No. 7/1999), Government Regulation on Utilization of Wild Plant and Animals Species (No. 8/1999), and Government Regulation on Conservation of Fishery Resource (No. 60/2007) also govern aspects of CITES implementation.

3.3.3.2 Wildlife conservation

The Law on Conservation of Living Resources and their Ecosystems sub-categorizes protected species as endangered and rare. The Act prohibits the possession of living or dead protected wild animals and the transport and trade of living or dead protected animals within and outside Indonesia. The most recent list of protected wildlife species was issued in 2018 as a regulation of the Ministry of Environment and Forestry; it does not include non-native species.

Government Regulation No.7/1999 on Preservation of Wild Plants and Animals explains the criteria and mechanism to determine the protected species and governs the domestic transport and export of protected animals.
Government Regulation No.8/1999 on Utilization of Wild Plant and Animals explains the various types of wildlife utilizations including research, captive breeding, hunting, trading, exchange program and pets. This regulation also governs the import, export, and re-export of any wild animal, not only protected animals.
Government Regulation on Conservation of Fishery Resource governs the import, export, and re-export of fish.

Act No. 21/2019 on Animal, Fish, and Plant Quarantine, quarantine can be utilized to prevent the illegal entry of non-native species into Indonesia.

3.3.3.3 Customs

The Customs Act No. 10/1995 amended by Act No.17/2006 governs import and export of goods and define "specific goods" as goods stipulated by relevant institutions as goods which transportation in customs area is under monitoring.

3.3.3.4 Anti-money laundering

Indonesia has enacted the Act on Prevention and Eradication of Money Laundering (No. 8/2010) under which criminal actions in environment, fisheries, and forestry are predicate offenses.

2.6.4 Highlights of key provisions and findings

Indonesia's Constitution stipulates that natural resources, including wild plants and animals, are controlled by the State and used for the prosperity of the people. Indonesia further established an Act on Conservation of Living Resources and their Ecosystems in 1990 and it became the umbrella regulation for natural resource and wildlife management. Possession and trade of protected species are completely prohibited under this Act, with the exceptions only for research, science, and conservation.

Under Ministry of Forestry Regulation No. 447/2003, the import, export, re-export, and introduction from the sea of specimens of CITES-listed species for commercial and non-commercial use requires a permit and must comply with CITES requirements. Commercial use includes captive breeding and trade and may only be undertaken by national or international public and private companies. Non-commercial use includes research and hunting and may be undertaken by individuals, cooperatives, universities, conservation and research institutions, and NGOs.

Government regulations also establish conditions under which individuals and legal entities may trade, import, export, and re-export wild species. Ministry of Trade Regulation No. 50/2013 establishes the permit requirements for export of wildlife, including species listed in CITES Appendix I only. The Government Regulation on Preservation of Wild Plants and Animals provides that export of protected animals requires approval, a health certificate, and must meet applicable technical requirements. The Government Regulation on Preserving Wild Plants and Animals provides that import, export, and re-export of any wild animal may only be carried out by a licensed business. The Government Regulation on Conservation of Fishery Resource does not cover introduction from the sea. Transit and consumption of protected animals are also not regulated.

The Act on Conservation of Living Resources and their Ecosystems enables captive breeding of wild animals. Several regulations govern aspects captive breeding including the Ministry of Forestry Regulation No. 19/2005 which regulates the origin of the brood stock, permits, restock program and the certification mechanism. First-generation captive breeding of any CITES Appendix I species and protected species requires the approval of the Minister. Second-generation captive breeding requires the approval of the Director General. Brood stock must come from an overseas business unit must be registered at the CITES Secretariat as a CITES Appendix I-type breeder for commercial purposes. The use of confiscated specimens for captive breeding purposes is also regulated.

Summary of findings with respect to protected wild species and CITES-listed species:

- Import – allowed, subject to a permit
- Export – non-commercial allowed, subject to a permit
- Re-export – non-commercial allowed, subject to a permit
- Introduction from the sea – non-commercial allowed, subject to a permit
- Transit – not regulated
- Possession – regulated
- Captive breeding – regulated
- Trading – regulated
- Consumption – regulated
- Handling confiscated species to prevent their re-entry into illegal trade – regulated

The following inconsistencies in the legal framework merit review:

- Transit and consumption of protected animals are not regulated;
- There are no minimum punishments for wildlife criminals;

- All non-native CITES-listed species are not included in the list of protected species under national law;
- There are no provisions for different penalties for individuals, corporate bodies, and organized criminals involved in illegal wildlife trade.

2.6.5 Penalties

UNTOC, to which Indonesia is a Party, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty".

The Act on Conservation of Living Resources and their Ecosystems penalizes the trade and transfer of protected animals within and outside Indonesia. The Act imposes penalties for violations that involve protected species generally; penalties are not based on the sub-categories of levels of protection specified in the Act. All offenses under the Act are penalized with both imprisonment and a fine. The maximum prison sentence available under the Act for intentional violations is five years, which is consistent with the UNTOC definition of serious crime. However, penalties of less than four years are possible, which means that import, export, transit, possession, and trading of protected wildlife may not be penalized as a serious crime in all cases. The Act on Conservation of Living Resources and their Ecosystems sets maximum fines for the negligent import, export, possession, and trading of protected animals at the equivalent of approximately US$3,534 with maximum fines equivalent to approximately US$7,068 for intentionally committing the same offenses. Ministry of Forestry Regulation No. 19/2005 stipulates that illegal captive breeding is penalized as an intentional crime under the Act.

The Act on Prevention and Eradication of Money Laundering penalizes anyone convicted of money laundering with imprisonment for no longer than 20 years and a fine ranging from a minimum equivalent to approximately US$70,683 to a maximum of approximately $35,341,509. A corporation convicted of money laundering is penalized with a fine equivalent to approximately US$7,068,302.

Table 9. Penalties (Selected Offenses) - Indonesia

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Act on Conservation of Living Resources and their Ecosystems No. 5/1990	Art. 40 intentional **Max: 5 years** negligent **Max: 1 year**	Art. 40 Intentional **Max: 5 years** negligent **Max: 1 year**	Art. 40 intentional **Max: 5 years** negligent **Max: 1 year**	-	Art. 40 intentional **Max: 5 years** negligent **Max: 1 year**	-	Art. 40 intentional **maximum 5 years**
FINES (in USD)[59]							

[59] Exchange rate used: 1 US dollar = 14,147.67 Indonesian Rupiah. Source: https://data.worldbank.org/indicator/PA.NUS.FCRF

	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Act on Conservation of Living Resources and their Ecosystems No. 5/1990	Art. 40 intentional **Max: $7,068** negligent **Max: $3,534**	Art. 40 intentional **Max: $7,068** negligent **Max: $3,534**	Art. 40 intentional **Max: $7,068** negligent **Max: $3,534**	-	Art. 40 intentional **Max: $7,068** negligent **Max: $3,534**	-	Art. 40 intentional **Max: $7,068**

2.6.6 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

Indonesia has entered into three bilateral agreements related to implementation and enforcement of CITES, one with Viet Nam and two with the United States.

The MoU with Viet Nam on Cooperation in Wildlife Law Enforcement was signed on 12 December 2012 and remained in effect through 2017. It provided for cooperation on the basis of equality and mutual benefit in areas of wildlife law enforcement in order to eliminate illicit trafficking in protected species of fauna and flora. The scope of cooperation included: information sharing and exchange; public awareness; capacity building and training; enforcement cooperation; and cooperation facilitation.

The first agreement with the United States was an MoU on Conserving Wildlife and Combating Wildlife Trafficking, signed on 17 February 2014. The scope of the MoU included: cooperation to strengthen capacity for wildlife conservation and management in Indonesia, including efforts to protect critical habitat, strengthen law enforcement capacity, and combat illegal harvesting and associated trade in wildlife species; enhancing capacity building efforts, enhancing dialogue and sharing best practices; and strengthening cooperation in regional and gobal fora. The MoU remained in effect through 2019.

The second agreement with the United States was a Letter of Agreement (LoA) on Combating Wildlife Crime signed on 25 September 2014. The scope of the LoA was: a workshop in the ASEAN Region to improve coordination in combating wildlife crime and development of an Indonesia-USA Action Plan to Combat Wildlife Crime. The LoA remained in effect through 2016.

A Global Environmental Facility (GEF-6) grant supports activities related to combating illegal wildlife trade. Activities under the grant began in December 2017 and will be completed by December 2023.

2.6.7 Implementation highlights and enforcement activities

Highlights in Indonesia's implementation and enforcement activities included:

- Cyber patrol for illegal wildlife trafficking;
- Marine patrol to prevent illegal fishing;
- Operations on wildlife crime;
- Repatriations;
- Mutual legal assistance.

The Cyber Patrol Unit found that the species of protected wildlife commonly being sold online include the leopard cat, cacatua, and crested hawk eagle. The most frequently traded species are birds, with 52 species traded online, followed by mammals with 34 species traded online, and reptiles with 13 species traded online.

During the period 2015-2020, Indonesia carried out 356 operations that resulted in 303 cases of illegal wildlife trafficking being taken to court, and the seizure of 232,638 specimens of living and dead animals and 15,449 specimens of parts of animals. Highlights during this period included:

- A joint operation between the Directorate General for Law Enforcement in the Ministry of Environment and Forestry (MOEF) and Regional Police in Banda Aceh on 10 November 2020 captured two suspects and seized 71 hornbill specimens, 28 kgs of pangolin scales, and a Sumatran tiger skin;
- On 14 September 2020, the MOEF Directorate General for Law Enforcement uncovered illegal wildlife trade in Sukoharjo Regency, Jawa Tengah Province, where a ranger and civil investigator seized rhino horn and a cigarette pipe made from ivory;
- Successful repatriation on 20 July 2020 from Davao, Philippines, to Bitung North Sulawesi of 91 wild animals including reptiles, mammals, and birds;
- Successful repatriation on 17 December 2020 of nine orangutans from Malaysia and two orangutans from Thailand.

A particular highlight in 2019 was joint investigations conducted by law enforcement officials from the Netherlands, the Indonesian National Police, and the MOEF DG Law Enforcement that were the first time mutual legal assistance had been used for a wildlife crime case. The collaboration led to a conviction and the dismantling of a large-scale network that was trafficking CITES-listed species including babirusas/deer-pigs, sawfish, coral, snake skins, whale bone, and other specimens from Bali to the Netherlands. The suspect was a Dutch person living in Bali who was allegedly working with a Dutch trader in the Netherlands and Indonesian shopkeepers. The suspect was arrested, brought to justice, and sentenced to imprisonment in Indonesia in November 2019. The recovered species were returned to the Indonesian authorities and used in the crime case as evidence. Court proceedings have also been initiated against the Dutch suspect in the Netherlands. The United Nations' 5th Asia Environmental Enforcement Awards for 2020 recognized Adi Karya Tobing, Police Chief Commissioner of Indonesian National Police, Sugeng Irianto, Police Commissioner of Indonesian National Police, and Rasio Ridho Sani, Director General for Law Enforcement, Ministry of Environment and Forestry, for this effective collaboration in wildlife law enforcement.

In the first and second quarters of 2021, enforcement highlights included:

- The MOEF and Regional Police in Bali, on 21 April 2021, seized 24 birds classified as protected species in Denpasar, Bali Province;
- The MOEF Directorate General for Law Enforcement and Indonesia National Police, on 14 April 2021, seized 35 kgs of pangolin scales and three hornbill specimens from one suspect in Pasaman Regency, Sumatera Barat Province;
- The MOEF Directorate General for Law Enforcement and Regional Police in Jambi, on 23 March 2021, seized a suspect with the carcass of a Sumatran tiger and the next day seized ivory in a different place;
- Indonesia National Police, on 19 February 2021, seized 1 baby bear and 28 kgs of pangolin scales in Padang City, Sumatera Barat Province.

Capacity building to strengthen enforcement during 2018-2020 included:

- Environmental certification program by the Indonesian Supreme Court for 780 judges;
- Special training for public prosecutors on illegal wildlife trade;
- Intelligence training (basic, technology, advanced);
- Digital forensic training;
- DNA forensic training;
- Photography forensic training;
- Psychological forensic training;

- GIS mapping training;
- Wildlife crime cyber patrol training;
- Animal handling.

Additional best practices and initiatives include:

- Ranger patrols for animal traps and poaching in Gunung Leuser National Park, Bogani Nani National Park, and Bukit Tigapuluh National Park and in conservation areas in Aceh and Riau Provinces;
- Establishing a check post in Bakauheni Sea Port, Lampung Province, to control wildlife traffic between Sumatera and Java;
- Enhancing civilian investigator's authority in money laundering;
- Developing standard operating procedures for repatriation of wildlife;
- A study on the economic valuation of 25 protected species and the most traded illegally to calculate the economic loss caused by wildlife crime;
- Developing an animal handling guidebook and video tutorial;
- A campaign on social media.

2.6.8 Implementation and enforcement challenges

Key challenges faced by implementation and enforcement agencies include:

- Intelligence and detection of illegal wildlife trade, particularly online trade;
- Limited civilian investigators in wildlife crime handling (suspect arrest);
- Border security and supervision;
- Cooperation on disposal of confiscated specimens;
- Wildlife evidence handling (living specimens);
- Human-wildlife conflicts;
- Multi-aquatic species identification, particularly when they are no longer intact/derivatives form (e.g. >200 species of sharks & rays)
- Modus operandi in wildlife crimes are getting more sophisticated.

2.6.9 Legal instruments cited

- Act on Conservation of Living Resources and their Ecosystems No. 5/1990
- Ministry of Forestry Regulation No. 447/2003 on Administration Directive of Harvest or Capture and Distribution of the Specimens of Wild Plant and Animal Species
- Ministry of Trade Regulation No. 50/2013 on Unlawful Export of Natural Plants and Wildlife and Included in the List of CITES
- Ministry of Forestry Regulation No. 19/2005 on Wild Life and Plant Arrangement
- Government Regulation on Preservation of Plants and Animals No. 7/1999
- Government Regulation on Utilization of Wild Flora and Fauna Species No. 8/1999
- Government Regulation on Conservation of Fishery Resource No. 60/2007
- Customs Act No. 10/1995
- Act on Prevention and Eradication of Money Laundering No. 8/2010

2.7 LAO PDR

2.7.1 International and regional framework

Lao PDR is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The country is a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters.

Lao PDR participates in the ASEAN Working Group on CITES and Wildlife Enforcement under the ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) and the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber under the ASEAN Senior Officials Meeting on Transnational Crime.

The country became a member of the Asia Pacific Group on Money Laundering (APG) in July 2007 and its first APG Mutual Evaluation report was adopted in July 2011. Lao PDR is not a member of the Financial Action Task Force (FATF).

For a table of Lao PDR's laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters, please refer to Appendix A.2.4.

2.7.2 National strategies and policies

The National Biodiversity Strategy and Action Plan for Lao PDR 2016-2025 identifies wildlife trafficking as the third major cause of threats to the survival of wildlife in the country.

The National Wildlife and Aquatic Crime Response Action Plan of Lao PDR 2018-2025 was developed to strengthen the Lao Wildlife Law Enforcement Network (Lao-WEN) to become the entity to combat wildlife and forest crime in Lao PDR with a significant role in regional and international cooperation.

2.7.3 National legal framework

2.7.3.1 CITES implementation

Lao PDR has been a Party to CITES since 2004. Its principal implementing law, the Wildlife and Aquatic Law No. 7/NA 2007, and subordinate legal instruments are classified as Category 3 legislation that does not meet the requirements for the implementation of CITES.

A draft decree on the Management of International Wildlife Trade has been prepared. When adopted, the decree will enable Lao PDR to regulate the international trade in wild fauna and flora, and to comply with its obligations under CITES.

2.7.3.2 Wildlife conservation

The Wildlife and Aquatic Law No. 7/NA 2007 establishes three categories of wildlife: prohibition, management, and common. The Law also specifies that wildlife are to be further classified as endangered, rare, and threatened and that the government may change the prohibition and management categories.

The Forestry Law No. 64/NA 2019 defines "forest resources" to include wildlife and provides for the management of conservation forests and other areas to protect wildlife.

Prime Minister Order No. 5/2018 governs the administration and inspection of legally prohibited wild fauna and flora.

Ministry of Natural Resources and Environment Instruction No. 2806/2016 directs provincial, district, and capital city officers of natural resources and environment agencies to take 10 specified actions with respect to wildlife conservation.

Government Notification No. 1364/2015 on implementation of CITES bans trade in CITES Appendix I species and assigns the following responsibilities: the Ministry of Natural Resources and Environment (MONRE) to consolidate lessons learned on the wildlife trade and draft a national action plan on combating the illegal ivory trade; three ministries to collect data on businesses involved in the wildlife trade to determine whether they are legal; and the Ministry of Agriculture and Forestry (MAF) to inspect wildlife in transit and investigate captive breeding facilities.

MAF Decision No. 188/2019 governs the establishment and management of zoos, wildlife farms, centers of rehabilitation and wildlife breeding, and plantations

2.7.3.3 Customs

The Customs Law No. 81/NA 2020 defines "controlled goods" to mean goods that must be imported, exported, moved, or stored in accordance with specific regulations.

2.7.3.4 Anti-money laundering

The Law on Anti-Money Laundering and Counter-Financing of Terrorism No. 50/NA 2014 defines "predicate offenses" to include environmental crime.

The Decree on Entrust and Responsibilities in Implementing the Activities of AML/CFT No.127/Gov., dated 20 February 2020, gives MAF the responsibility to investigate initial offenses of money laundering in environmental crimes.

2.7.4 Highlights of key provisions and findings

The Wildlife and Aquatic Law generally prohibits the unlicensed possession and trade of wildlife. The Law specifically prohibits the trade of first-generation wildlife in the prohibition category and regulates trade in second-generation wildlife in the prohibition category and in the management and common categories. Import, export, re-export, and transshipment, which is defined to mean transit, of all categories of wildlife are allowed and require a permit. The Law prohibits the import, export, re-export, transshipment, or transit of wildlife with infectious diseases.

The Wildlife and Aquatic Law permits the use of wildlife in all three categories. Uses are categorized as: for the public benefit; household; customary; and business. Use for the public benefit and for business requires permission from: the government for use of wildlife in the prohibition category; from the Ministry of Agriculture and Forestry for use of wildlife in the management category; and from provincial and capital city agriculture and forestry divisions for use of wildlife in the common category. The Law regulates household use only with respect to wildlife in the management category. Customary use of wildlife is governed by village rules and regulations.

The Law allows wildlife in all three categories to be held in captivity for breeding and for business purposes. It stipulates that wildlife in the prohibition and management categories that are held in captivity for business purposes must be declared and registered; wildlife held in captivity for non-commercial purposes must be declared but do not have to be registered. Captive breeding of wildlife in the prohibition category must be authorized by the government on the basis of a proposal by MAF. Captive breeding of wildlife in the management and common categories is governed by the Enterprise Law.

Prime Minister Order No. 5/2018 instructs ministries and local authorities to implement and enforce existing laws by:

- Stopping the import, transit, export, and trade of wildlife in the prohibition category and strictly managing those activities involving wildlife in the management category;
- Stopping the farming of wildlife in the prohibition category and ensuring that wildlife farming of animals in the management and common categories is approved by MAF;
- Surveying and registering elephant ivory and bone and rhino horn;
- Patrolling borders and investigating offenses involving CITES-listed species.

The Order assigns responsibilities to several ministries for actions required to strengthen the management of listed species.

Government Notification No. 1364/2015 on implementation of CITES bans trade in CITES Appendix I species but does not specify the consequences of violating the ban.

Summary of findings with respect to wildlife species in Categories I and II and species listed in CITES Appendix I:

- Import – allowed, subject to a permit except for CITES Appendix I species for which trade is banned
- Export – same as for import
- Re-export – same as for import
- Introduction from the sea – N/A
- Transit – same as for import
- Possession – regulated
- Captive breeding – allowed, subject to a permit
- Trading – regulated
- Consumption – regulated but not penalized
- Handling confiscated species to prevent their re-entry into illegal trade – not regulated

The following inconsistencies in the legal framework merit review:

- Species listed in CITES Appendix I are specifically regulated while species listed in CITES Appendices II and III are not;
- Handling confiscated species to prevent their re-entry into illegal trade is not regulated;
- Captive breeding is regulated under the Wildlife and Aquatic Law but illegal captive breeding is not penalized under the Penal Code;
- Although the Wildlife and Aquatic Law specifies different types of consumption, in the Penal Code there are no penalties for illegal use/consumption of wildlife species in Categories I and II and species listed in CITES Appendices.

2.7.5 Penalties

UNTOC, to which Lao PDR is a Party, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty".

The Penal Code No. 26/NA 2017 penalizes wildlife-related offenses according to the level of protection but the categories of protection specified in the Code do not correspond in all cases with the categories established in the Wildlife and Aquatic Law.

First offenses of illegal import, export, re-export, and transit of specimens of CITES-listed species are penalized with imprisonment for a term ranging from three months to five years and a fine; fines for first offenses are double the value of the damage sustained. Repeat offenses, offenses committed as part of an organized group, and offenses that cause substantial damage are penalized with

imprisonment of five to 10 years and a fine; fines for such offenses are triple the value of the damage sustained.

Illegal possession and trading of animals in any protected category are penalized with prison terms of three months to five years and with fines equivalent to a minimum of approximately US$346 to a maximum of approximately US$1,152.

Illegal trading of precious and rare animals is penalized with imprisonment of six months to three years and a fine equivalent to a minimum of approximately US$1,152 to a maximum of approximately US$5,761.

The Law on Anti-Money Laundering stipulates that any natural person who commits an environmental crime will be punished as defined in the Penal Code and other laws that define criminal penalties. The Law and the Penal Code specify identical fines for money laundering. They penalize a natural person committing a money laundering offense valued up to the equivalent of approximately US$115,215 to detention for a period of three to seven years and a fine equivalent to a minimum of approximately US$34,565 up to a maximum of approximately US$57,608.

For a money laundering offense valued at more than the equivalent of approximately US$115,215, the penalty is detention for a period of seven to 10 years and a fine equivalent to a minimum of approximately US$57,608 up to a maximum of approximately US$80,651. Organized groups and habitual offenders are penalized with detention from 10 to 12 years and a fine equivalent to a minimum of approximately US$80,651 up to a maximum of approximately US$103,694. The Penal Code stipulates imprisonment of 10-15 years for habitual offenders and organized groups, with the same fine specified in the Law.

Table 10. Penalties (Selected Offenses) - Lao PDR

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Penal Code 2017	Art. 334 any protected species **3 months-5 years** Art. 337 precious and rare **6 months-3 years**	Art. 335 Any CITES-listed species **3 months-5 years** if performed on a regular basis, as part of an organized group, or causes substantial damage **5 years-10 years**	Art. 335 Any CITES-listed species **3 months-5 years** if performed on a regular basis, as part of an organized group, or causes substantial damage **5 years-10 years**	Art. 335 Any CITES-listed species **3 months-5 years** if performed on a regular basis, as part of an organized group, or causes substantial damage **5 years-10 years**	Art. 334 any protected species **3 months-5 years**	-	-

FINES (in USD)[60]							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Penal Code 2017	Art. 334 any protected species **$346-$1,152** Art. 337 precious and rare species **$1,152-$5,761** Art. 90 legal person **double the fine for natural person**	Art. 335 **double the value** of the damage sustained if performed on a regular basis, as part of an organized group, or causes substantial damage **triple the value** of the damage sustained Art. 90 legal person **double the fine for natural person**	Art. 335 **double the value** of the damage sustained if performed on a regular basis, as part of an organized group, or causes substantial damage **triple the value** of the damage sustained Art. 90 legal person **double the fine for natural person**	Art. 335 **double the value** of the damage sustained if performed on a regular basis, as part of an organized group, or causes substantial damage **triple the value** of the damage sustained Art. 90 legal person **double the fine for natural person**	Art. 334 any protected species **$346-$1,152** Art. 90 legal person **double the fine for natural person**	-	-

-

2.7.6 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

The CITES Management Authority of Lao PDR has signed an MoU with the CITES Management Authority of China.

Lao PDR has signed agreements at the provincial level with Thailand and Myanmar for provinces which border those countries.

[60] Exchange rate used: 1 US dollar = 8,679.41 Laotian Kip. (Source: https://data.worldbank.org/indicator/PA.NUS.FCRF)

In the past, the Department of Forest Inspection of Lao PDR had a Cooperation MoU with the Forest Protection Department of Viet Nam which focused on law enforcement and information sharing, particularly with respect to provinces which border both countries.

2.7.7 Implementation highlights and enforcement activities

- Courts have issued verdicts in illegal wildlife trade cases involving CITES Appendix I species.
- Prime Minister Order No. 05/2018 instructed all Ministries, related sectors, and local authorities to strengthen enforcement and ensure that rights and responsibilities are being implemented in line with laws and regulations on the management of prohibited wild fauna and to ensure the inspection and prosecution of crimes involving such species.
- The mandate of Lao-WEN has been upgraded to include wildlife crime response. Lao-WEN focal points have been established in related ministries and the WEN has been expanded into 17 provinces around the country.
- The Prime Minister's Office has prepared a draft decree on rates for fines that would provide financial support for rewards for informants and incentives for persons who assist in implementing the provisions related to wildlife in the Forestry Law.
- Lao PDR has introduced the use of the smart phone application Crimeinfo for field inspections.

2.7.8 Implementation and enforcement challenges

Key challenges faced by implementation and enforcement agencies include:

- There is a need for a clearer responsibility structure for implementing international conventions;
- The gradual shift from physical shops to e-commerce and the trade of wildlife and products on social media platforms, which add further layers of protection to the traders. This is compounded by the fact that many of the traders and buyers utilize foreign language applications;
- There is a lack of financial and physical resources and technical equipment required to conduct effective law enforcement throughout the entire country, as donors tend to prioritize provinces based on geographical and biodiversity sensitive locations;
- The majority of Lao people still rely on natural resources, particularly in remote areas, and dissemination of laws and regulations governing wildlife has not reached local people yet.

2.7.9 Legal instruments cited

- Wildlife and Aquatic Law No. 7/NA 2007
- Forestry Law No. 64/NA 2019
- Prime Minister Order No. 5/2018
- Ministry of Natural Resources and Environment Instruction No. 2806/2016
- Government Notification No. 1364/2015
- MAF Decision No. 188/2019
- Customs Law No. 81/NA 2020
- Law on Anti-Money Laundering and Counter-Financing of Terrorism No. 50/NA 2014
- Decree on Entrust and Responsibilities in Implementing the Activities of AML/CFT No.127/Gov., dated 20 February 2020
- Penal Code No. 26/NA 2017

2.8 MALAYSIA

2.8.1 International and regional framework

Malaysia is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The country is a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters and adopted its Mutual Assistance in Criminal Matters Act (Act 621) in 2002.

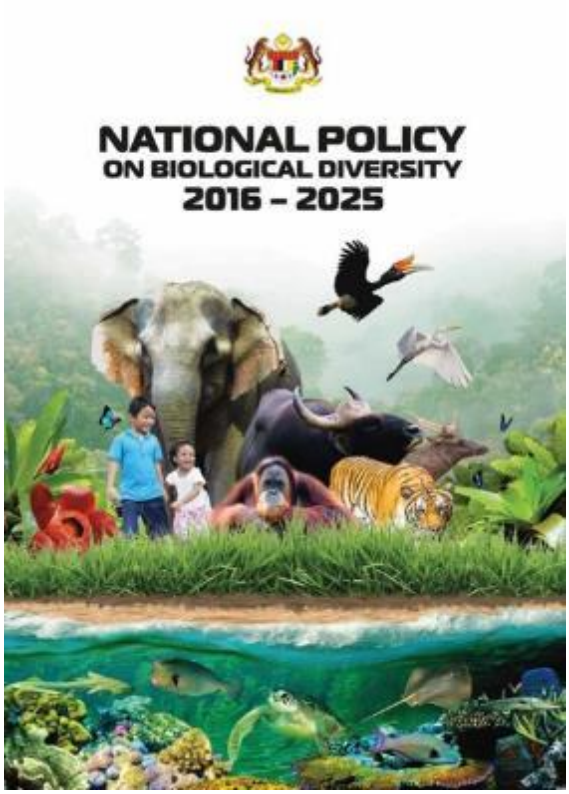
Malaysia participates in the ASEAN Working Group on CITES and Wildlife Enforcement under the ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) and was one of the first five ASEAN Member States to establish its wildlife enforcement network, the Malaysia Wildlife Enforcement Network, to enhance cooperation between law enforcement agencies in combating illegal wildlife trade. The country also participates in the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber under the ASEAN Senior Officials Meeting on Transnational Crime.

The country has been a member of the Asia Pacific Group on Money Laundering (APG) since May 2000 and took up the two-year rotating APG Co-chair role in 2020. Malaysia has been a full member of the Financial Action Task Force (FATF) since February 2016.

For a table of Malaysia's laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters, please refer to Appendix A.2.5.

2.8.2 National strategies and policies

Malaysia's National Policy on Biological Diversity (2016-2025), under Target 10, aims to bring poaching, illegal harvesting, and illegal trade of wildlife, fish, and plants under control and significantly reduce those illegal activities by 2025. The top priorities under the policy are capacity building, enforcement strengthening, and communication, education, and public awareness.



2.8.3 National legal framework

2.8.3.1 CITES implementation

Malaysia has been a Party to CITES since 1978. Its legislation is classified as Category 1, which means that it generally meets the requirements for implementation of CITES.

The principal implementing law is the International Trade in Endangered Species Act (Act 686) 2008 as at 1 October 2018. The Act includes a schedule that lists the species included on all three CITES Appendices. At the federal and Peninsular level, the country has a total of nine management authorities, each responsible for different jurisdictions and species, according to the respective legal instruments. Peninsular Malaysia has five management authorities, Sabah has three, and Sarawak has one.

2.8.3.2 Wildlife conservation

The principal wildlife conservation laws are the Wildlife Conservation Act (Act 716) 2010 as at 1 October 2014; Sabah Wildlife Conservation Enactment 1997 (Enactment No. 6 of 1997) as at December 2017; and Sarawak Wildlife Protection Ordinance 1998 (Chapter 26) as amended up to 2005. The Wildlife Conservation Act categorizes wildlife as protected, totally protected, and controlled. The Sabah Wildlife Conservation Enactment categorizes wildlife as totally protected, which is regulated together with CITES Appendix I species, and protected, which is regulated together with CITES Appendix II and Appendix III species. The Sarawak Wildlife Protection Ordinance protects all wild animals and categorizes wildlife as totally protected and protected. All CITES-listed species are protected in Sarawak. Sarawak in 2021 issued a strict directive banning the import and export of any exotic species.

2.8.3.3 Customs

The Customs (Prohibition of Import) Order 2017 under the Customs Act 1967 include schedules related to Act 686, Act 716, Sabah Wildlife Conservation Enactment 1997 and Sarawak Wildlife Protection Ordinance 1998.

~~The Customs Act 1967, Act 235, incorporating all amendments up to 1 January 2020, defines "goods" to include animals but does not otherwise address acts specifically related to wildlife trade.~~

2.8.3.4 Anti-money laundering

The Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act (Act 613) 2001 as at 1 August 2019 includes possession, import, transit, export, re-export, introduction from the sea, and breeding of scheduled species as predicate offenses. The Act also provides that making incorrect declarations and falsifying documents under the Customs Act is a predicate offense.

2.8.4 Highlights of key provisions and findings

The International Trade in Endangered Species Act governs possession, import, export, transit, re-export, and introduction from the sea. All trade in native and non-native CITES-listed species is regulated under the International Trade in Endangered Species Act. The categories of Protected Species and Totally Protected Species under the Wildlife Conservation Act also include native and non-native CITES-listed species. The International Trade in Endangered Species Act stipulates that it controls in the event of inconsistencies between it and any other written law in terms of provisions to import and export, conservation of plants, forests and animals and trade in scheduled species. ~~which means that penalties for illegal acts involving CITES-listed species would be penalized under that Act, rather than under the Wildlife Conservation Act and the laws of Sabah and Sarawak.~~

The International Trade in Endangered Species Act and the Wildlife Conservation Act provide for the seizure of wildlife. Under the International Trade in Endangered Species Act, seized and forfeited

scheduled species are the property of the Management Authority, which determines whether such species are to be repatriated or released. The Wildlife Conservation Act stipulates that the release or disposal of any seized wildlife specimen is at the discretion of the Director. The Sabah Wildlife Conservation Enactment stipulates that seized specimens of Appendix I and Schedule I species may not be disposed of so as to become an object of trade. There are no provisions in the International Trade in Endangered Species Act, the Wildlife Conservation Act,or the Sarawak Wildlife Protection Ordinance that prevent the re-entry of such species into the illegal wildlife trade.

The International Trade in Endangered Species Act, Wildlife Conservation Act, Sabah Wildlife Conservation Enactment and Sarawak Wildlife Protection Ordinance all regulate aspects of captive breeding. The Wildlife Conservation Act includes a schedule listing wildlife species for aborigines' consumption, but does not otherwise regulate consumption. Sabah does not regulate consumption. Sarawak regulates consumption together with possession.

Summary of findings with respect to scheduled species:

- Import – allowed, subject to a permit
- Export – allowed, subject to a permit
- Re-export – allowed, subject to a permit
- Introduction from the sea – allowed, subject to a permit
- Transit – regulatedPossession – regulated
- Captive breeding – regulated
- Trading – regulated only in the context of captive-bred specimens
- Consumption – scheduled species for aborigines' consumption but otherwise unregulated in Peninsular Malaysia; regulated with possession in Sarawak; not regulated in Sabah
- Handling confiscated species to prevent their re-entry into illegal trade – regulated explicitly in Sabah; generally for Peninsular Malaysia; not regulated in Sarawak

The following inconsistencies in the legal framework merit review:

- The International Trade in Endangered Species Act, the Wildlife Conservation Act, and the Sarawak Wildlife Protection Ordinance do not have provisions that explicitly prevent the re-entry into the illegal wildlife trade of wild animals that have been confiscated.
- The Wildlife Conservation Act and the Sabah Wildlife Conservation Enactment do not regulate the consumption of protected wildlife.

2.8.5 Penalties

UNTOC, to which Malaysia is a Party, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty".

The International Trade in Endangered Species Act penalizes offenses according to the level of protection. The Act penalizes the unlicensed import, transit, export, re-export, introduction from the sea, and captive breeding of scheduled/CITES-listed species and the possession and trade of such species that have been illegally imported or introduced from the sea. There are no minimum penalties. The maximum prison sentence available under the law is seven years, which is consistent with the UNTOC definition of serious crime. However, penalties of less than four years are possible, which means that import, export, transit, possession and captive breeding of scheduled species may not be penalized as a serious crime in all cases. For an individual convicted of illegal import, export, transit, possession, or captive breeding, the fine per specimen is the equivalent of approximately US$24,155 with an aggregate maximum equivalent to approximately US$241,546. If the offense is committed by a body corporate, the fine per specimen is equivalent to approximately US$48,309 with an aggregate maximum of approximately US$483,092. Penalties for offenses are imprisonment, or a fine, or both.

The Wildlife Conservation Act stipulates less stringent penalties for offenses involving totally protected wildlife. The maximum prison sentence for the unlicensed possession, import, export, and re-export of totally protected wildlife is three years. Fines for unlicensed actions with totally protected wildlife range from a minimum of the equivalent of approximately US$7,246 to a maximum of approximately US$24,155. The maximum sentence for unlicensed import, export, and re-export of protected wildlife is one year. The Act stipulates minimum and maximum fines for illegal import and export of protected wildlife, which range from the equivalent of approximately US$4,831 to approximately US$12,077. Unlicensed commercial captive breeding of totally protected wildlife is penalized with two to five years' imprisonment and/or fines ranging from a minimum of the equivalent of approximately US$7,246 to a maximum of approximately $120,773.

Sabah and Sarawak shift the burden of proof for possession of any wild animal or specimen. Sabah imposes a prison sentence not exceeding five years, a maximum fine equivalent to approximately US$60,386, or both, for unlicensed import, export, and possession of a specimen of totally protected wildlife; for protected wildlife, the penalties for unlicensed import, export, and possession of totally protected species are a maximum five-year prison sentence, a maximum fine equivalent to approximately US$24,155, or both. In Sabah, illegal captive breeding is penalized with a prison sentence not exceeding two years and/or a fine ranging from a minimum of the equivalent of approximately US$4,831 to a maximum of approximately $12,077. Sabah stipulates that when an offense is committed by a business entity, each director, officer, or member is also individually liable unless they can prove otherwise.

Sarawak penalizes unlicensed possession/consumption, trading, import, and export of totally protected wildlife except for rhinoceros, orangutans, and proboscis monkeys with a maximum sentence of two years and a fine equivalent to approximately US$6,039. For rhinoceros, the penalty is a five-year prison sentence and a fine equivalent to approximately US$12,077. For orangutans and proboscis monkeys, the penalty is a two-year prison sentence and a fine equivalent to approximately US$7,246. The penalties for unlicensed possession/consumption, import, and export of protected wild animals are a prison sentence of one year and a fine equivalent to approximately US$2,415. Possession of wild animals that are not totally protected or protected species is penalized with a prison term of one year and a fine equivalent to approximately US$483. In Sarawak, unlicensed captive breeding is penalized with imprisonment for one year and a fine equivalent to approximately US$2,415.

The Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act penalizes anyone convicted of money laundering to imprisonment for a term not exceeding 15 years and a fine of not less than five times the value of the proceeds or the equivalent of approximately US$1,207,729, whichever is higher.

Table 11. Penalties (Selected Offenses) - Malaysia

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding

International Trade in Endangered Species Act 2008 (Act 686)	Sec. 12 individual **not exceeding 7 years**	Sec. 10 individual **not exceeding 7 years**	Sec. 10 individual **not exceeding 7 years**	Sec. 13 individual **not exceeding 7 years**	Sec. 12 individual **not exceeding 7 years**	-	Sec. 14 and Sec. 18 individual **not exceeding 7 years**
Wildlife Conservation Act 2010 (Act 716)	Sec. 63 **not exceeding 2 years**	Sec. 65 protected **not exceeding 1 year** Sec. 71 totally protected **not exceeding 3 years**	Sec. 65 protected **not exceeding 1 year** Sec. 71 totally protected **not exceeding 3 years**	-	Sec. 60 protected general **not exceeding 2 years** protected specified **not exceeding 3 years** Sec. 68 totally protected general **not exceeding 3 years** totally protected specified **not exceeding 5 years**	-	Sec. 72 totally protected, general **not exceeding 3 years** totally protected, specified (2) **not exceeding 2 years** totally protected, specified (3) **not exceeding 5 years**
Sabah Wildlife Conservation Enactment 1997 (Enactment No. 6 of 1997)	Sec. 48 and Sec. 51 protected **not exceeding 3 years**	Sec. 53 Appendix I and totally protected **Min: 1 year Max: not exceeding 5 years** Appendix II and protected **Min: 6 months Max: not exceeding 5 years** Appendix III **not exceeding 3 years**	Sec. 53 Appendix I and totally protected **Min: 1 year MAX: not exceeding 5 years** Appendix II and protected **Min: 6 months Max: not exceeding 5 years** Appendix III **not exceeding 3 years**	-	Sec. 41 Appendix I and totally protected **Min: 1 year Max: not exceeding 5 years** Appendix II and protected **Min: 6 months Max: not exceeding 5 years** Appendix III **not exceeding 3 years**	-	Sec. 78 **not exceeding 2 years**
Sarawak Wildlife Protection Ordinance	Sec. 29 totally protected **2 years** rhino **5 years**	Sec. 29 totally protected **2 years** rhino **5 years**	Sec. 29 totally protected **2 years** rhino **5 years**		Sec. 29 totally protected **2 years** rhino **5 years**	Sec. 29 totally protected **2 years** rhino **5 years**	Sec. 35 **1 year**

1998 (Chapter 26)	protected **1 year**	protected **1 year** Sec. 31 any wild animal listed in First Schedule Part III **1 year**	protected **1 year** Sec. 31 any wild animal listed in First Schedule Part III **1 year**		protected **1 year** Sec. 37 any wild animal **1 year**	protected **1 year** Sec. 37 any wild animal **1 year**	
FINES (in USD)[61]							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
International Trade in Endangered Species Act 2008 (Act 686)	Sec. 12 individual **per specimen $24,155 aggregate maximum $241,546** corporate **per specimen $48,309 aggregate maximum $483,092**	Sec. 10 individual **per specimen $24,155 aggregate maximum $241,546** corporate **per specimen $48,309 aggregate maximum $483,092**	Sec. 10 individual **per specimen $24,155 aggregate maximum $241,546** corporate **per specimen $48,309 aggregate maximum $483,092**	Sec. 13 individual **per specimen $24,155 aggregate maximum $241,546** corporate **per specimen $48,309 aggregate maximum $483,092**	Sec. 12 individual **per specimen $24,155 aggregate maximum $241,546** corporate **per specimen $48,309 aggregate maximum $483,092**	-	Sec.14 individual **per specimen $24,155 aggregate maximum $241,546** corporate **per specimen $48,309 aggregate maximum $483,092** Sec.18 individual **$24,155** corporate **$48,309**
Wildlife Conservation Act 2010 (Act 716)	Sec. 63 **not exceeding $12,077**	Sec. 65 protected **Min: $4,831 Max: not exceeding $12,077** Sec. 71 totally protected **Min: $7,246 Max: not exceeding $24,155**	Sec. 65 protected **Min: $4,831 Max: not exceeding $12,077** Sec. 71 totally protected **Min: $7,246 Max: not exceeding $24,155**	-	Sec. 60 protected general **not exceeding $12,077** protected specified **Min: $4,831 Max: not exceeding $12,077** Sec. 68 totally protected general	-	Sec. 72 totally protected general **not exceeding $24,155** totally protected specified (2) **Min: $7,246 Max: not exceeding $24,155** totally protected specified (3) **Min: $24,155 Max: not**

[61] Exchange rate used: 1 US dollar = 4.14 Malaysian ringgit. Source: https://data.worldbank.org/indicator/PA.NUS.FCRF

					not exceeding $24,155 totally protected specified **not exceeding $120,773**		**exceeding $120,773**
Sabah Wildlife Conservation Enactment 1997 (Enactment No.6 of 1997)	Sec. 48 and Sec. 51 protected **Min: $1,208 Max: not exceeding $12,077**	Sec. 53 Appendix I, totally protected **Min: $12,077 Max: not exceeding $60,386** Appendix II, protected **Min: $7,246 Max: not exceeding $24,155** Appendix III **Min: $7,246 Max: $12,077**	Sec. 53 Appendix I, totally protected **Min: $12,077 Max: not exceeding $60,386** Appendix II, protected **Min: $7,246 Max: not exceeding $24,155** Appendix III **Min: $7,246 Max: $12,077**	-	Sec. 41 Appendix I and totally protected **Min: $12,077 Max: $60,386** Appendix II and protected **Min: $7,246 Max: $24,155** Appendix III **Min: $7,246 Max: $12,077**	-	Sec. 78 **Min: $4,831 Max: $12,077**
Sarawak Wildlife Protection Ordinance 1998, (Chapter 26)	Sec. 29 totally protected general **$6,039** orang-utan/ proboscis monkey **$7,246** rhino **$12,077** protected **$2,415**	Sec. 29 totally protected general **$6,039** orang-utan/ proboscis monkey **$7,246** rhino **$12,077** protected **$2,415** Sec. 31 First Schedule Part III **$483 or 5 times the value of the animal**	Sec. 29 totally protected general **$6,039** orang-utan/ proboscis monkey **$7,246** rhino **$12,077** protected **$2,415** Sec. 31 First Schedule Part III **$483 or 5 times the value of the animal**	-	Sec. 29 totally protected general **$6,039** orang-utan/ proboscis monkey **$7,246** rhino **$12,077** protected **$2,415** Sec. 37 any wild animal **$483**	Sec. 29 totally protected general **$6,039** orang-utan/ proboscis monkey **$7,246** rhino **$12,077** protected **$2,415** Sec. 37 any wild animal **$483**	Sec. 35 **$2,415**

2.8.6 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

Malaysia has not entered into any bilateral/multilateral agreements/MoUs, regionally or internationally, relating to the implementation and enforcement of its CITES regime.

2.8.7 Implementation highlights and enforcement activities

The Khazanah Integrated Operations/*Operasi Bersepadu Khazanah* (OBK) taskforce was launched on 3 September 2019 to curb trespassing, illegal logging, and wildlife poaching and involved collaboration between the police, army, Royal Malaysian Customs Department, Peninsular Malaysia Forestry Department, Sarawak Forestry Corporation, Sabah Wildlife Department, Johor National Parks Corporation, Perak State Parks Corporation, and non-governmental organizations including Pelindung, WCS, WWF, MyCAT, Rimba. Among OBK's achievements are arresting 87 wildlife criminals in 2019 with total seizures of specimens valued at the equivalent of more than US$650,000, while 460 wire snares were destroyed. In 2020, another 140 offenders were caught with total seizures of specimens valued at the equivalent of more than US$446,000 and 672 wire snares destroyed. OBK is still ongoing in 2021 and has been strengthened under the Biodiversity Protection and Patrolling Programme (BP3). The OBK initiative was recognized for its impact as one of the winners of the United Nations' 5th Asia Environmental Enforcement Awards for 2020.

Photo credit: Department of Wildlife and National Parks Malaysia

Photo credit: Department of Wildlife and National Parks Malaysia

Photo credit: Department of Wildlife and National Parks Malaysia

Photo credit: Department of Wildlife and National Parks Malaysia

The Department of Wildlife and National Parks has its own wildlife forensics lab and expertise that is recognized internationally. Malaysia's expertise in wildlife forensics is frequently called on for wildlife forensics sampling and wildlife DNA/physical analysis by enforcement agencies in other ASEAN Member States and internationally.

Innovations include:

- Establishment of the PERHILITAN K9 Unit. in collaboration with the national NGO Rimba. The PERHILITAN K9 Unit is the first wildlife canine unit in Peninsular Malaysia and is one of the efforts to curb wildlife crime, including smuggling activities at the country's borders. Two dogs – one a Labrador and the other a Dutch Shepherd – were initially trained in South Africa and continued their training in Malaysia in detecting live wildlife specimens and wildlife parts and derivatives.

2.8.8 Implementation and enforcement challenges

Key implementation and enforcement challenges include:

- Exploitation of airports and seaports that facilitate wildlife being trafficked through the country.
- Issue of harmonization of domestic wildlife protection laws for the three administrative regions of Peninsular Malaysia, Sabah and Sarawak; the species that are protected and penalties need further review.
- The widespread illegal trade activity taking place online and the difficulty in tackling this is a particular challenge as perpetrators must be caught with the contraband.

- Identification of species, especially when the specimens are only parts of an animal.
- Lack of communication and intelligence sharing between enforcement agencies and insufficient experience in case investigation and prosecution.

2.8.9 Legal instruments cited

- International Trade in Endangered Species Act (Act 686) 2008 as at 1 October 2018
- Wildlife Conservation Act (Act 716) 2010 as at 1 October 2014
- Sabah Wildlife Conservation Enactment 1997 (Enactment No. 6 of 1997) as at December 2017
- Sarawak Wildlife Protection Ordinance 1998 (Chapter 26) as amended up to 2005
- Customs Act 1967, Act 235, incorporating all amendments up to 1 January 2020
- Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act (Act 613) as at 1 August 2019

2.9 MYANMAR

2.9.1 International and regional framework

Myanmar is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The country is a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters and has enacted the Mutual Assistance in Criminal Matters Law No. 4/2004 and implementing Rules.

Myanmar participates in the ASEAN Working Group on CITES and Wildlife Enforcement under the ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) and the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber under the ASEAN Senior Officials Meeting on Transnational Crime.

The country became a member of the Asia Pacific Group on Money Laundering (APG) in March 2006 and its second APG Mutual Evaluation report was adopted in July 2018. Myanmar is not a member of the Financial Action Task Force (FATF).

For a table of Myanmar's laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters, please refer to Appendix A.2.6.

2.9.2 National strategies and policies

The Government issued Notification No. 34 establishing a National Wildlife Law Enforcement Task Force in 2016. The Task Force meets every six months and has been collaborating on combating the illegal killing and trade of wildlife.

The Combating Illegal Wildlife Trade National Action Plan 2021-2025 has been approved. The plan sets four national priorities, based on the Hanoi Statement on Illegal Wildlife Trade:

- Eradicating the market for illegal wildlife products;
- Ensuring effective legal frameworks and deterrents;
- Strengthening law enforcement;
- Ensuring sustainable livelihoods and economic development.

The National Tiger Action Plan (NTAP) (2020-2025) was formulated to support achieving the "Tigers times two (TX2)" goal to double the global tiger population. The NTAP sets 11 objectives, with the first being to close the illegal wildlife trade, and the priority action being to empower and strengthen law enforcement agencies to enforce national laws to close down shops and restaurants that sell and trade in illegal wildlife, parts, and derivatives, and to prosecute offenders to the full extent of the law.

The 10-year Re-establishing Natural Habitats Program (2019-2029) is being implemented in 19 protected areas. It includes Spatial Monitoring and Reporting Tool (SMART) patrolling to prevent illegal poaching and education and awareness-raising to promote public participation in conservation.

2.9.3 National legal framework

2.9.3.1 CITES implementation

Myanmar has been a Party to CITES since 1997. Its principal implementing law, the Conservation of Biodiversity and Protected Areas Law No. 12/2018, and subordinate legal instruments are classified as Category 2 legislation that does not meet all of the requirements for the implementation of CITES.

2.9.3.2 Wildlife conservation

The Conservation of Biodiversity and Protected Areas Law establishes three categories of endangered wild animals: totally protected; normally protected; and seasonally protected.

Notification No. 690/2020 on Protected Endangered Wild Fauna in Myanmar is the list of protected animals.

Notification No. 691/2020 on wild fauna which can be bred commercially lists 90 species, including Asian elephant, tiger, leopard, clouded leopard, Irrawaddy dolphin, and two species of pangolin.

Implementing regulations for the Conservation of Biodiversity and Protected Areas Law have been drafted but, as of April 2021, have not yet been issued.

The Forest Law No. 29/2018 defines "forest produce" to include wild animals but does not further regulate wildlife.

2.9.3.3 Customs

The Sea Customs Act 1878 as last amended in 2018 defines 'illegal goods' to mean any goods whose import, export, or transit is prohibited or restricted by the Act or any other existing laws.

The Export and Import Law No. 17/2012 stipulates penalties for any person who, without a permit, exports or imports any goods for which permit is required.

2.9.3.4 Anti-money laundering

The Anti-Money Laundering Law No. 11/2014 specifies that offenses related to environmental impact, offenses carried out by criminal gangs, and offenses under any existing law that carry a minimum penalty of imprisonment for one year are predicate offenses.

2.9.4 Highlights of key provisions and findings

The Conservation of Biodiversity and Protected Areas Law governs the export, re-export or import, and introduction from the sea of any species listed in the CITES appendices. The Law empowers the Forest Department to list wildlife in the three categories of endangered wild fauna, to revise the categories, and to make the CITES appendices publicly available.

The Director General of the Forest Department has the discretion to allow the import and export of wild animals and CITES-listed species. Non-native wild animals may be imported for scientific research which has prior approval, and captive bred for commercial purposes or as a hobby. The export of specimens of endangered wild fauna for scientific identification and research may be permitted. The Law regulates transport and transfer but does not regulate transit. It does not specify procedures for handling confiscated wild animals.

The Law allows the possession of specimens of totally protected wild animals and CITES-listed animals for scientific research, and requires that the research have prior approval. Individual possession of any specimen of wild fauna for traditional purposes must be registered with local authorities; subsequently breeding registered wild fauna also requires registration. Individual or institutional possession of any specimen of wild fauna for research must be registered with the Ministry on the basis of prior approval of the research. The Law shifts the burden of proof for any violation.

Captive breeding of listed endangered wild animals for commercial purposes may be permitted; captive breeding of normally and seasonally protected wild animals may be permitted, as a hobby or traditional custom. The Law does not regulate consumption.

The Anti-Money Laundering Law shifts the burden of proof to the accused to show that money and properties were obtained legally.

Summary of findings with respect to totally protected and endangered wild animals and CITES-listed species:

- Import – allowed, subject to a permit
- Export – allowed, subject to a permit
- Re-export – allowed, subject to a permit
- Introduction from the sea – allowed, subject to a permit
- Transit – not regulated
- Possession - regulated
- Captive breeding – allowed, subject to a permit
- Trading – regulated
- Consumption – not regulated
- Handling confiscated species to prevent their re-entry into illegal trade – not regulated

The following inconsistencies in the legal framework merit review:

- Transit is not regulated;
- No fine is stipulated for trade, import, export, and possession of completely protected species and species regulated for international trade;
- There is no provision that requires or enables taking action against online trade;
- Consumption of totally protected and endangered wild animals and CITES-listed species is not regulated;
- Handling confiscated species to prevent their re-entry into illegal trade is not regulated.

2.9.5 Penalties

Under the Conservation of Biodiversity and Protected Areas Law, unlicensed trading of specimens of totally protected wild fauna or CITES-listed animals and the import, export, re-export, and possession of specimens of completely protected and CITES-listed animals carries a penalty of imprisonment for a term from a minimum of three years to a maximum of 10 years and an unspecified fine. It does not stipulate criminal liability for corporate entities.

Unlicensed possession and trade of normally protected wild animals is penalized with imprisonment for a term not exceeding five years and/or with a fine equivalent to a minimum of the equivalent of approximately US$198 up to a maximum of approximately US$659.

The unlicensed commercial captive breeding of protected endangered wild animals, unlicensed import, possession, and breeding of specimens of non-native wild fauna, and falsifying any documents or marks on specimens of CITES-listed species carry a penalty of imprisonment for a term not exceeding three years and/or a fine ranging from a minimum of the equivalent of approximately US$132 to a maximum of approximately US$329.

The Anti-Money Laundering Law penalizes anyone convicted of money laundering to imprisonment for a term which may extend to 10 years, a fine, or both; the Law does not specify the amount of the

fine. A company or organization convicted of money laundering will be fined up to a maximum of the equivalent of approximately US$329,324.

Table 12. Penalties (Selected Offenses) - Myanmar

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
The Conservation of Biodiversity and Protected Areas Law (2018)	Sec. 40 normally protected species **not exceeding 5 years** Sec. 41 completely protected, regulated for international trade **Min: 3 years Max: 10 years**	Sec. 39 import non-native species **not exceeding 3 years** Sec. 41 completely protected, regulated for international trade **Min: 3 years Max: 10 years**	Sec. 41 completely protected, regulated for international trade **Min: 3 years Max: 10 years**	-	Sec. 39 non-native species **not exceeding 3 years** Sec. 40 normally protected species **not exceeding 5 years** Sec. 41 completely protected, regulated for international trade **Min: 3 years Max: 10 years**	-	Sec. 39 commercial protected endangered and non-native **not exceeding 3 years**
FINES (in USD)[62]							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
The Conservation of Biodiversity and Protected Areas Law (2018)	Sec. 40 normally protected species **Min: $198 Max: $659** Sec. 41 completely protected, regulated for international trade	Sec. 39 non-native species **Min: $132 Max: $329** Sec. 41 completely protected, regulated for international trade **Fine not specified**	Sec. 41 completely protected, regulated for international trade **Fine not specified**	-	Sec. 39 non-native species **Min: $132 Max: $329** Sec. 40 normally protected species **Min: $198 Max: $659** Sec. 41	-	Sec. 39 commercial protected endangered and non-native **Min: $132 Max: $329**

[62] Exchange rate used: 1 US dollar = 1,518.26 Myanmar Kyat. Source: https://data.worldbank.org/indicator/PA.NUS.FCRF

	Fine not specified				completely protected, regulated for international trade **Fine not specified**		

2.9.6 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

Myanmar has two ongoing MoUs related to CITES implementation, one Letter of Agreement under discussion, and one Letter of Agreement which has completed.

An MoU on Cooperation in the Fields of Wildlife Conservation in Myanmar was signed in 2017 between the Forest Department of the Ministry of Natural Resources and Environmental Conservation and the Wildlife Conservation Society, United States of America, for a period of five years to conduct biodiversity conservation activities, and provide support to combat Illegal wildlife trade through training for law enforcement officers, including the rescue of confiscated live animals.

An MoU for Cooperation on Combating Timber Trafficking and Conservation of Tigers and Other Wildlife was signed in 2020 between the governments of Myanmar and India for a period of five years to constitute a working group of concerned officials to: identify and maintain viable data with a focus on protection of habitat, tigers, and other wildlife; exchange personnel for training and education in wildlife management; and collaborate in the field of research focusing on tiger and habitat monitoring. In addition, India will offer full scholarships for two participants from Myanmar in a 10-month diploma course conducted by the Wildlife Institute of India.

A Letter of Agreement for Cooperation in Combating Illegal Wildlife Trade is under discussion between the CITES Management Authority of Myanmar and the CITES Management Authority of China.

A Letter of Agreement for Cooperation Regarding Protection of Biodiversity in Myanmar was signed in 2018 betweem the Ministry of Natural Resources and Environmental Conservation of Myanmar and the World Wide Fund for Nature (WWF), Myanmar, for a period of seven months to provide capacity building of protected area and forest conservation staff, protection of Myanmar's flagship species, combat wildlife trade throughout Myanmar, and collaborate on preparing the National Red List of Wild Flora and Fauna.

2.9.7 Implementation highlights and enforcement activities

The Forest Department is using a Community Monitoring and Reporting System to combat illegal wildlife trade and to promote community participation. Local community members, including poachers and ex-poachers, are employed as informants and included in patrol teams. A large quantity of wildlife parts including elephant skin, horn, antlers, skulls, bones, and bear claws, were confiscated on the basis of reports from the general public. The Forest Department is also conducting intensive patrolling and a public awareness campaign to reduce poaching. Due to these efforts, the numbers of elephants poached decreased from 25 in 2015 to five in 2020.

Wildlife rangers courses provided basic wildlife management training to improve capacity for law enforcement.

A project on Cooperation in Alaungdaw Kathapa National Park and Wildlife Protection is being carried out under two MoUs signed between the Forest Department and Global Conservation. The first MoU covered the period from August 2018 to December 2020; the second one began in December 2020 and is in effect through December 2025. Cellular trailcams have been installed and are being successfully used to detect and prevent wildlife poaching.

Myanmar held two ceremonies to destroy confiscated wildlife specimens:

- On 4 March 2019, in Yangon, approximately 766 kgs of ivory, pangolin scales, and other specimens valued at an estimated US$1.15 million;
- On 4 October 2018, in Nay Pyi Taw, approximately 849 kgs of confiscated ivory and other specimens of elephants and other wildlife valued at an estimated US$1.3 million.

The objectives of the ceremonies were to raise public awareness for law enforcement, publicly announce the legal actions taken and bans of local black markets in wildlife, and promote international cooperation by demonstrating Myanmar's achievements in suppressing wildlife crimes.

The opening ceremony of the Elephant Museum in Yangon was held on 3 March 2019. The purpose of the museum is to raise awareness on the management of captive elephants, elephant habitat, and human-elephant interaction in order to conserve wild elephants in natural forests, mitigate human-elephant conflict, and combat illegal trade, in collaboration with stakeholders. Several other activities supported elephant conservation in the country, including an awareness-raising program by the Forest Department's Wildlife Mobile Rescue Team to reduce human-elephant conflicts in the Yangon Region and elephant killing in Ayeyawaddy region, radio collaring wild elephants, and poster campaigns on combating the illegal wildlife trade generally.

Other innovations and best practices include:

- Supporting livelihoods of hunters conducted in collaboration with local NGOs
- Establishing community-based monitoring and reporting systems and creating alternative livelihoods for poachers;
    - Employing local community members as informants
    - Employing local communities, including poachers and ex-poachers as members of the patrol teams
- Forest Department, WWF, and Friends of Wildlife conducted community-based wild elephant conservation activities in the Ayeyawaddy Region and southern part of Rakhine State, which initiated a program that awards informants the equivalent of approximately US$200 for correct information about elephant hunters.

2.9.8 Implementation and enforcement challenges

Demand for wildlife is growing in neighboring countries, leading to increased illegal trade, in particular by cartels that have financing, manpower, and modern information systems. In confronting this increase in illegal trade, implementation and enforcement agencies in Myanmar face challenges that include:

- The Conservation of Biodiversity and Protected Areas Law does not permit the Forest Department to investigate suspects without having concrete evidence;
- Funding limitations;
- Insufficient staff;
- Limited capacity;
- Limited public awareness and participation;
- Limited cross-sector and transboundary collaboration;
- In some border markets there is essentially no enforcement of national wildlife laws;
- The disruption of transboundary wildlife trade networks is urgently needed;

- Individuals and communities that rely on the illegal wildlife trade need alternative sources of income.

2.9.9 Legal instruments cited

- Conservation of Biodiversity and Protected Areas Law No. 12/2018
- Notification No. 690/2020 on Protected Endangered Wild Fauna in Myanmar
- Notification No. 691/2020 on wild fauna which can be bred commercially
- Sea Customs Act 1878 as last amended in 2018
- Export and Import Law No. 17/2012
- Anti-Money Laundering Law No. 11/2014

2.10 PHILIPPINES

2.10.1 International and regional framework

The Philippines is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The Philippines is a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters and is one of three ASEAN Member States that has not yet enacted national law on the issue. The Philippines is a Member State of the INTERPOL Wildlife Crime Working Group.

The Philippines participates in the AWG on CITES and Wildlife Enforcement Network under the ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) and was one of the first five ASEAN Member States to establish a national task force on wildlife enforcement to enhance cooperation between law enforcement agencies in combating illegal wildlife trade. The country also participates in the Working Group on Illegal Timber and Wildlife Trafficking under the ASEAN Senior Officials Meeting on Transnational Crime.

The Philippines was a founding member of the Asia Pacific Group (APG) on Money Laundering in 1997 and held the rotating APG co-chair role from 1998 to 2000. The country underwent its third Mutual Evaluation in November 2018 and the report was adopted by the APG in August 2019. Philippines is a member of the Financial Action Task Force (FATF).

For a table of the Philippines' laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters, please refer to Appendix A.2.7.

2.10.2 National strategies and policies

The country established the Philippine Operations Group on Ivory (POGI) in June 2013. This Group is composed of representatives from the Philippine National Police (PNP) - National Capital Region; PNP-Criminal Investigation and Detection Group; Office of the President of the Philippines - National Intelligence Coordinating Agency; Bureau of Customs; National Bureau of Investigation; and the Department of Environment and Natural Resources (DENR). One of POGI's major tasks is to investigate ivory smuggling, as well as other instances of cross-border illegal collection and trade of wildlife resources in the Philippines.

The Philippines developed the Wildlife Law Enforcement Action Plan (WildLEAP) 2018-2028, which was adopted by means of DENR Administrative Order No. 2020-13 on October 13, 2020. WildLEAP serves as the national roadmap in addressing wildlife crimes in the next 10 years and as a guide in prioritizing enforcement actions, fund sourcing/allocation, and evaluating the impacts of enforcement work in the country. It has six strategies: (1) policy and system development; (2) networking and coordination; (3) capacity building; (4) communication, education, and public awareness; (5) improving governance, curbing corruption; and (6) reporting, monitoring and evaluation.

2.10.3 National legal framework

2.10.3.1 CITES implementation

The Philippines has been a Party to CITES since 1981. Its legislation is classified as Category 2, which means that it does not meet all of the requirements for implementation of CITES.

The implementing laws are the Wildlife Resources Conservation and Protection Act (Republic Act [RA] No. 9147), enacted on 30 July 2001 and the Fisheries Code (RA No. 10654, which amended RA 8550) enacted on 28 July 2014.

2.10.3.2 Wildlife conservation

The Wildlife Resources Conservation and Protection Act and its Implementing Rules and Regulations are the principal legal instruments governing wildlife conservation. Under Section 4 of the Act, the Department of Environment and Natural Resources has jurisdiction over all terrestrial plant and animal species including all turtles and tortoises and wetland species, all turtle and tortoises and wetland species, including but not limited to crocodiles, waterbirds and all amphibians and dugong, and the Department of Agriculture has jurisdiction over all declared aquatic critical habitats and all aquatic resources, including but not limited to all fishes, aquatic plants, invertebrates and all marine mammals, except dugong. The Wildlife Resources Conservation and Protection Act governs terrestrial species and the Fisheries Code specifically regulates rare, threatened and endangered aquatic species.

The Expanded National Integrated Protected Area System Act of 2018 (RA No. 11038, which amended RA No. 7586) provides for establishing wildlife sanctuaries and prohibits the poaching, hunting, killing, taking, collecting, and possessing any wildlife within protected areas.

The Strategic Environmental Plan for Palawan (SEP Law) was adopted by RA No. 7611. It defines 'natural resources' to include wildlife but does not regulate trade in wildlife.

2.10.3.3 Customs

The Tariff and Customs Code (RA No. 1937) was amended by the Customs Modernization and Tariff Act (RA No. 10863) on 30 May 2016. The Code defines 'goods' as articles, wares, merchandise, and any other items which are subject of importation or exportation, and sets a duty on the import of ivory and other animal specimens. The amended Act strengthened the provisions of the Tariff and Customs Code to combat smuggling and other forms of customs fraud. The Act empowers the Bureau of Customs to supervise and control all import and export cargoes, which may include ivory and other animal specimens, landed or stored at piers, airports, and terminal facilities including container yards and freight stations, for the protection of government revenue.

2.10.3.4 Anti-money laundering

Under the Anti-Money Laundering Act of 2001 (RA No. 9160, amended by RA No. 10365 which took effect on 7 March 2013) import, export, and possession of wildlife under the Wildlife Resources Conservation and Protection Act are predicate offenses. The Act, also referred to as the Act of Further Strengthening the Anti-Money Laundering Law, was enacted to ensure that the Philippines should not be used as a money laundering site for the proceeds of any unlawful activity. Under the law and consistent with its foreign policy, the Philippines shall extend cooperation in transnational investigation and prosecutions of persons involved in money laundering activities whenever committed.

In 1999 the country created the Philippine Center on Transnational Crime and in 2000 the Presidential Anti-Organized Crime Commission.

2.10.4 Highlights of key provisions and findings

The Wildlife Resources Conservation and Protection Act and its Implementing Rules and Regulations make no distinction between native and non-native species. The Philippine Red List Committee for Plants/Animals was created to review and update national lists of protected species; the most recent list of threatened Philippine fauna was issued in 2019, which lists the categories of threatened species as: critically endangered; endangered; vulnerable, and other threatened species. The Act defines "trade" to include import and export, as CITES does, and requires a permit for the import and export of wildlife species. The Act defines "re-export" and lists re-export as requiring a permit . The Act

prohibits the introduction of non-native/exotic species without prior clearance from the Secretary, DENR, and subject to an environmental impact study; the Implementing Rules and Regulations provide that import may be allowed under specified conditions. Illegal transit is penalized as illegal local transport. Illegal consumption of threatened species is penalized as illegal killing. The Act provides for seizing illegally traded wildlife, which remain in the custody of the appropriate authority unless released by court order.

Captive breeding of any wildlife species, including threatened species, requires a permit. Captive breeding may require an environmental impact assessment. Threatened species whose captive breeding is allowed are listed, and captive breeding of these species is subject to specified minimum conditions. Possession of threatened species is allowed but must be registered. Any person wanting to register possession of any wildlife species, threatened or non-threatened, must prove the financial and technical capability and facility to maintain the wildlife.

The Fisheries Code prohibits the taking, possession, sale, purchase, and export of aquatic species listed in CITES Appendix I or on the national list of threatened species and restricts the same actions for species listed in CITES Appendices II and III. The Code does not prohibit or restrict the import of listed species but provides generally that the import of any fishery species in violation of the Code is unlawful. The Department of Agriculture-Bureau of Fisheries and Aquatic Resources regulates regulates the transit of aquatic species under Administrative Order No. 233/2010 on Aquatic Wildlife Conservation, which implements RA No. 9147, as illegal local transport.

Summary of findings with respect to threatened species:

- Import – allowed, subject to a permit
- Export – allowed, subject to a permit
- Re-export – allowed, subject to a permit
- Introduction from the sea – prohibited for CITES Appendix I species, restricted for CITES Appendix II species
- Transit – regulated as local transport
- Possession – regulated
- Captive breeding – allowed, subject to a permit
- Trading – definition includes import and export; domestic trade included in definition but not regulated
- Consumption – regulated as killing
- Handling confiscated species to prevent their re-entry into illegal trade – regulated

- The following inconsistencies in the legal framework merit review:Given the gravity and value of the illegal wildlife trade, with increasing involvement of organized criminals, penalties for possession of all categories of wild animals may not be adequate deterrents.

2.10.5 Penalties

UNTOC, to which the Philippines is a Party, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty".

Under the Wildlife Resources Conservation and Protection Act, penalties are specified according to the level of protection; offenses involving endangered, vulnerable, and other threatened species draw lesser penalties than those for critically endangered species. The most stringent penalty for illegal trading – which includes import and export – is a prison sentence of a minimum of two years and one day up to a maximum of four years and/or a fine of a minimum equivalent to approximately US$97 up to a maximum equivalent to approximately US$5,792 for offenses involving critically endangered

species. Illegal possession of critically endangered species carries the most stringent penalty for possession, which is a prison sentence of a minimum of two years and one day up to a maximum of four years and/or a fine of a minimum equivalent to approximately US$579 up to a maximum equivalent to approximately US$5,792. There is no stipulated penalty for illegal captive breeding; offenders may be charged with illegal possession.

The Expanded National Integrated Protected Area System Act prohibits the possession of any wildlife within protected areas and specifies that penalties under the Act are in addition to any penalties imposed under the Wildlife Resources Conservation and Protection Act and the Fisheries Code.

The Fisheries Code penalizes illegal import, export, possession, and trade of aquatic species. The administrative penalty for taking, possession, sale, purchase, and export of aquatic species listed in CITES Appendix I or on the national list of threatened species is a fine equivalent to five times the value of the species or a minimum equivalent to approximately US$9,653 up to a maximum of approximately US$96,525, whichever is higher, and forfeiture of the species. If convicted, an offender faces a prison sentence that ranges from a minimum of 12 years and one day up to a maximum of 20 years, a fine equivalent to twice the administrative fine, forfeiture of the species, and the cancellation of the fishing permit. For violations involving species listed in CITES Appendices II and III, the administrative fine is equivalent to three times the value of the species or a minimum equivalent to approximately US$5,792 up to a maximum of approximately US$57,915, whichever is higher, and forfeiture of the species. If convicted, an offender faces a prison sentence that ranges from a minimum of five years up to a maximum of eight years, a fine equivalent to twice the administrative fine, and forfeiture of the species. The general prohibition on import in violation of the Code is penalized with an administrative fine of five times the value of the species or a minimum equivalent to approximately US$5,792 up to a maximum of approximately US$9,653, whichever is higher, and forfeiture and/or destruction of the species. If convicted, an offender faces a prison sentence of eight years, a fine equivalent to twice the administrative fine, and forfeiture and/or destruction of the species.

The Anti-Money Laundering Act penalizes individuals convicted of money laundering with imprisonment for terms ranging from six months to 14 years, depending on the offense; fines range from a minimum equivalent to approximately $1,931 to a maximum equivalent to approximately $57,915. If the offender is a corporate entity, the responsible officers will be penalized.

Table 13. Penalties Table (Selected Offenses) - Philippines

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Wildlife Resources Conservation and Protection Act (Republic Act No. 9147)	Sec. 28 critically endangered species **2 years + 1 day - 4 years** endangered species **1 year + 1 day - 2 years** vulnerable species	Sec. 28 critically endangered species **2 years + 1 day - 4 years** endangered species **1 year + 1 day - 2 years** vulnerable species	Sec. 28 critically endangered species **2 years + 1 day - 4 years** endangered species **1 year + 1 day - 2 years** vulnerable species		Sec. 28 critically endangered species **2 years + 1 day - 4 years** endangered species **1 year + 1 day - 2 years** vulnerable species		

	6 months + 1 day - 1 year other threatened species **1 month + 1 day - 6 months** other wildlife species **10 days - 1 month**	**6 months + 1 day - 1 year** other threatened species **1 month + 1 day - 6 months** other wildlife species **10 days - 1 month**	**6 months + 1 day - 1 year** other threatened species **1 month + 1 day - 6 months** other wildlife species **10 days - 1 month**		**6 months + 1 day - 1 year** other threatened species **1 month + 1 day - 6 months** other wildlife species **10 days - 1 month**		
Fisheries Code (Republic Act No. 10654)	Sec. 102 CITES Appendix I species **Min: 12 years + 1 day Max: 20 years** CITES Appendix II & III species **Min: 5 years Max: 8 years**	Sec. 105 Any illegal import **8 years**	Sec. 102 CITES Appendix I species **Min: 12 years + 1 day Max: 20 years** CITES Appendix II & III species **Min: 5 years Max: 8 years**	Sec. 102 CITES Appendix I species **Min: 12 years + 1 day Max: 20 years** CITES Appendix II & III species **Min: 5 years Max: 8 years**			
Expanded National Integrated Protected Area System Act of 2018 (Republic Act No. 11038)					Sec. 21 any wildlife **Min: 1 year Max: 6 years**		
FINES (in USD)[63]							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Wildlife Resources Conservation and Protection Act (Republic Act No. 9147)	Sec. 28 critically endangered species **Min: $97 Max: $5,792** endangered species	Sec. 28 critically endangered species **Min: $97 Max: $5,792** endangered species	Sec. 28 critically endangered species **Min: $97 Max: $5,792** endangered species		Sec. 28 critically endangered species **Min: $579 Max: $5,792** endangered species		

[63] Exchange rate used: 1 US dollar = 51.80 Philippine pesos. (Source: https://data.worldbank.org/indicator/PA.NUS.FCRF)

	Min: $39 Max: $3,861 vulnerable species **Min: $19 Max: $1,931** other threatened species **Min: $10 Max: $965** other wildlife species **Min: $4 Max: $386**	**Min: $39 Max: $3,861** vulnerable species **Min: $19 Max: $1,931** other threatened species **Min: $10 Max: $965** other wildlife species **Min: $4 Max: $386**	**Min: $39 Max: $3,861** vulnerable species **Min: $19 Max: $1,931** other threatened species **Min: $10 Max: $965** other wildlife species **Min: $4 Max: $386**		**Min: $386 Max: $3,861** vulnerable species **Min: $193 Max: $1,931** other threatened species **Min: $97 Max: $965** other wildlife species **Min: $19 Max: $97**		
Fisheries Code (Republic Act No. 10654)	Sec. 102 CITES Appendix I species Admin fine: **5 times the value of the species or Min: $9,653 Max: $96,525 whichever is greater** Criminal fine: **double the admin fine** CITES Appendix II and III species Admin fine: **3 times the value of the species or Min: $5,792 Max: $57,915 whichever is greater** Criminal fine: **double the admin fine**	Sec. 105 Any illegal import Admin fine: **5 times the value of the species or Min: $5,792 Max: $9,653 whichever is greater** Criminal fine: **double the admin fine**	Sec. 102 CITES Appendix I species Admin fine: **5 times the value of the species or Min: $9,653 Max: $96,525 whichever is greater** Criminal fine: **double the admin fine** CITES Appendix II and III species Admin fine: **3 times the value of the species or Min: $5,792 Max: $57,915 whichever is greater** Criminal fine: **double the admin fine**		Sec. 102 CITES Appendix I species Admin fine: **5 times the value of the species or Min: $9,653 Max: $96,525 whichever is greater** Criminal fine: **double the admin fine** CITES Appendix II and III species Admin fine: **3 times the value of the species or Min: $5,792 Max: $57,915 whichever is greater** Criminal fine: **double the admin fine**		

Expanded National Integrated Protected Area System Act of 2018 (Republic Act No. 11038)					Sec. 21 any wildlife **Min: $3,861 Max: $19,305** plus damages of triple the value of the resources		

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3.7.6 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

In 2009, Philippines signed a treaty with the United Kingdom and Northern Ireland on Mutual Legal Assistance in Criminal Matters; the treaty entered into force in 2012.

3.7.7 Implementation highlights and enforcement activities

The DENR, together with other enforcement agencies, was recognized for its impact as one of the winners of the United Nations' 5th Asia Environmental Enforcement Awards for 2020. Task Force POGI of the DENR was one of the eight winners for its excellent collaboration and coordination framework among different enforcement agencies, thus enhancing the impact of operations against illegal trade in wildlife.

Innovations in combatting wildlife crime in the Philippines include:

- eCITES PH - an online permitting system developed by the DENR Biodiversity Management Bureau to facilitate the processing of permit applications for import, export, and re-export of terrestrial wildlife listed under CITES;
- Environmental Law Enforcement Management Information System (ELEMIS) - a web-based system that aims to: 1) facilitate gathering, recording and analysis of evidence on incidents related to environmental law violation; 2) serve as a tool for enforcers to prepare necessary forms or reports from apprehension to filing of cases; and 3) track down and monitor status of incidents/cases, including seized/confiscated items;
- Wildlife Agency and Citizen Law Enforcement Reporting Tool (WildALERT) – launched on 3 March 2020 during the World Wildlife Day celebration WildALERT is a comprehensive species identification and response mobile application to combat wildlife trafficking and help frontline wildlife law enforcement agencies correctly identify, report and handle perpetrators caught in the illegal wildlife trade.

Characteristics of the Philippines' systems that enhance combating illegal wildlife trade include:

- High levels of management support – POGI, for example (see section 3.7.2) is supported by high-level management;
- Multi-agency collaboration – among Department of Environment and Natural Resources, National Bureau of Investigation, Bureau of Customs, Philippine National Police-Criminal Investigation and Detection Group, Maritime Group, Interpol-National Central Bureaus-Manila, Philippine Center on Transnational Crime, Anti-Money Laundering Council;
- Skilled and dedicated personnel – Operations Groups combine the expertise of law enforcers and technical people;

- Presence of the media in enforcement operations and their documentation of such operations; and
- Active engagement of concerned citizens through social media networks and citizen reporting mechanisms which is crucial to building cases and supporting enforcement.

On 23 August 2019, the Philippine Operations Group on Ivory (POGI) and Illegal Wildlife Trade, including Biodiversity Management Bureau (BMB) and National Bureau of Investigation-Environmental Crime Division (NBI-EnCD), conducted a buy bust operation against a high profile online illegal trader. The following wildlife species were recovered from his possession, namely: three peregrine falcons (*Falco peregrinus*), six African spurred tortoises (*Centrochelys sulcata*), two green iguanas (*Iguana iguana*), and two eclectus parrots (*Eclectus roratus*). A total of 13 individuals of wild fauna were confiscated. All seized wildlife were brought to the BMB-Wildlife Rescue Center in Quezon City for rehabilitation and safekeeping. On September 3, 2019, the court imposed a fine equivalent to approximately US$193 for illegal trading plus two years and one day imprisonment, and in addition a fine equivalent to approximately US$579 for illegal possession of wildlife.

3.7.8 Implementation and enforcement challenges

Key implementation and enforcement challenges include:

- Economic valuation of wildlife should be incorporated in the IWT strategies to aide successful prosecution and guaranteed conviction;
- Availability of roster of experts to prove valuation;
- Differing interpretations of the penalty provisions of the Wildlife Resources Conservation and Protection Act.

3.7.9 Legal instruments cited

- Wildlife Resources Conservation and Protection Act (RA No. 9147)
- Joint DENR-DA-PCSD Administrative Order No. 01, May 18, 2004: Joint Implementing Rules and Regulations (IRR) pursuant to Republic Act No. 9147
- DENR Administrative Order No. 2019-09 Updated National List of Threatened Philippine Fauna and their Categories
- DENR Administrative Order No. 2020-13 adopting WildLEAP
- Expanded National Integrated Protected Area System Act of 2018 (RA No. 11038, which amended RA No. 7586)

- Fisheries Code (RA No. 10654, which amended RA No. 8550)
- Customs Modernization and Tariff Act (RA No. 10863, which amended the Tariff and Customs Code RA No. 1937)
- Anti-Money Laundering Act of 2001 (RA No. 9160, amended by RA No. 10365)
- Strategic Environmental Plan for Palawan (SEP Law) (RA No. 7611)

2.11 SINGAPORE

2.11.1 International and regional framework

Singapore is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The country is a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, for which it has issued implementing orders for mutual assistance with each of the other nine AMS. The country is also a Board member of the INTERPOL Wildlife Working Group.

Singapore participates in the ASEAN Working Group on CITES and Wildlife Enforcement under the ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) and the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber under the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC).

Singapore was one of the founding members of the Asia Pacific Group on Money Laundering (APG) and held the rotating APG Co-chair role from 2008 to 2010. The country has been a full member of the Financial Action Task Force (FATF) since 1992.

For a table of Singapore's laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters, please refer to Appendix A.2.8.

2.11.2 National strategies and policies

Singapore's National Parks Board (NParks) works together with the Immigration and Checkpoints Authority (ICA) and Singapore Customs in a whole-of-government approach to tackle illegal trade in wildlife. Comprehensive measures aimed at supply and demand reduction are anchored by a robust domestic framework and strong international cooperation. The national priorities are to maintain a robust domestic framework including strong and effective enforcement efforts, cutting demand by generating greater public awareness, engaging in strong international cooperation, and regular review of legislation and other measures.

2.11.3 National legal framework

2.11.3.1 CITES implementation

Singapore has been a Party to CITES since 1987. Its implementing law, the Endangered Species (Import and Export) Act (Chapter 92A) (ESA), which commenced on 17 March 1989 and last amended on 14 February 2021, is classified as Category 1 legislation that generally meets the requirements for implementation of CITES. The Endangered Species (Import and Export) (Prohibition of Sale) Notification, last revised on 1 April 2008, prohibits the trade of specimens of rhinoceros and tigers in Singapore.

3.8.3.2 Wildlife conservation

The Wild Animal and Birds Ordinance, commenced on 22 October 1965and was renamed the Wildlife Act on 1 June 2020. The Act was last amended on 1 March 2021. Under the Act, the sale, import, and export of wildlife require written approval of the Director-General of Wildlife Management. The Wildlife Act does not explicitly govern transshipment of wildlife as the purpose of the Act is to protect, preserve, and manage wildlife within Singapore.

The Animals and Birds Ordinance commenced on 22 October 1965, re-named the Animals and Birds Act on 31 August 1971 and last amended on1 April 2019, requires a license to import, transship, and export animals and birds and focuses on preventing disease and promoting animal welfare. The Animals

and Birds (Licensing of Farms) Rules, commenced on 1 June 2004 and last amended on 2 January 2021, together with the Wildlife Act, governs captive breeding.

3.8.3.3 Customs

Singapore's Customs Act (Chapter 70) commenced on 26 September 1960 and last amended on 2 January 2021 defines 'goods' to include animals, birds, fish, and plants but does not specifically address illegal wildlife imports or exports.

3.8.3.4 Anti-money laundering

The relevant offences above, including under the Wildlife Act, Animals and Birds Act, and Endangered Species Act, are predicate offences for money laundering purposes. Specifically, these offences are deemed as "Serious Offences" in the Second Schedule, Part III, of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A), commenced on 4 December 1992 and last amended on 2 January 2021.

2.11.4 Highlights of key provisions and findings

The Wildlife Act protects, preserves, and provides for the management of all native and non-native wildlife species in Singapore. Trade in wildlife species listed in the CITES appendices is regulated under the Endangered Species Act, in accordance with CITES obligations.

The Endangered Species (Import and Export) Act includes a schedule of CITES-listed species. The Wildlife Act has a list of protected species, which includes CITES-listed species that are native to or commonly found in Singapore. The Minister can update both lists as necessary, without needing to amend the Acts.

Possession of wildlife is regulated by the Wildlife Act and requires the approval of the Director-General of Wildlife Management. Singapore has an online permit system that monitors the trade of wildlife specimens. Illegal consumption is regulated and penalized as illegal possession. Captive breeding is regulated under the Animals and Birds Act and the Wildlife Act; the Endangered Species (Import and Export) Act does not regulate captive breeding.

Live specimens may be seized if there is reasonable suspicion that an offense has been committed but there are no evidentiary rules or presumptions to establish whether there is "reasonable suspicion". Confiscated specimens of CITES-listed species are dealt with in accordance with CITES requirements. Disposal of illegally traded and confiscated specimens of living CITES-listed species. depends on conservation interests, animal health, public safety, and the welfare of the animals. Singapore does not have a law or regulation specifying that confiscated live specimens may be sold. Dead specimens of CITES Appendix I species are destroyed so that they do not re-enter illegal markets. The disposal options for CITES Appendix II and III specimens depend on the risks of them re-entering illegal markets and stimulating further illegal trade.

The Endangered Species (Import and Export) Act allows NParks to recover from the owner, importer, exporter, or re-exporter expenses it incurs for the confiscation, storage, maintenance, housing, repatriation, transport, and disposal of any scheduled species.

Singapore courts have a general power under the Criminal Procedure Code to order compensation for the victim of an offense but there are no reported orders for compensation being granted in favor of victims of offenses under the Endangered Species (Import and Export) Act.

Summary of findings with respect to threatened species:

- Import – allowed, subject to a permit

- Export – allowed, subject to a permit
- Re-export – allowed, subject to a permit
- Introduction from the sea – allowed, subject to a permit
- Transit – regulated
- Possession – regulated
- Captive breeding – allowed, subject to a permit
- Trading – regulated
- Consumption – not regulated
- Handling confiscated species to prevent their re-entry into illegal trade – partially regulated

The following inconsistencies in the legal framework merit review:

- Illegal consumption of scheduled species is penalized as illegal possession.
- Prison terms do not fall within the UNTOC definition of serious crime.

2.11.5 Penalties

Singapore's Endangered Species (Import and Export) Act penalizes the import, export, re-export, and introduction from the sea, without a permit, of any scheduled species, in accordance with CITES.

UNTOC, to which Singapore is a Party, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty".

The Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act includes the illegal sale, import and export of wildlife as a serious offense, but penalties under the Endangered Species (Import and Export) Act and the Wildlife Act are not consistent with the UNTOC definition of serious crime as of the second quarter of 2021. The most stringent penalty under the Endangered Species (Import and Export) Act is two years' imprisonment for import, export, re-export, introduction from the sea, possession, and sale of CITES-listed species.

Similarly, under the Wildlife Act the most stringent penalty of two years' imprisonment, a fine not exceeding $50,000, or both, is for the sale or export of protected wildlife without the written approval of the Director General of Wildlife Management. In the case of non-protected wildlife, imprisonment of up to 12 months, or a fine not exceeding $10,000, or both. The importationof any living wildlife without approval is subject to a penalty of up to one year imprisonment, a fine not exceeding $10,000, or both.

The Endangered Species (Import and Export) Act penalizes the possession and sale of scheduled species, specified in the Endangered Species (Import and Export) (Prohibition of Sale) Notification, that have been illegally imported or introduced from the sea without a permit with up to two years' imprisonment. The sale, but not the possession, of scheduled species is penalized with imprisonment not exceeding 12 months. In both cases, a fine may be levied in the alternative or together with the imprisonment term. Any owner, importer, exporter or re-exporter of a scheduled species in transit through Singapore that does not have a valid CITES import or export permit may be subject to imprisonment of up to two years, a fine, or both.

Fines for importing living wildlife, exporting native protected wildlife, and importing or exporting CITES-listed species do not exceed the equivalent of approximately US$36,765 per specimen, with a maximum aggregated fine equivalent to approximately US$367,647 for CITES-listed species.

Captive breeding offenses are dealt with under the Wildlife Act and Animals and Birds (Licensing of Farms) Rules. Keeping protected wildlife without written approval, including for the purposes of

captive breeding, is punishable under the Wildlife Act with an imprisonment term not exceeding two years a fine not exceeding the equivalent of approximately US$36,765, or both. The unlicensed breeding of animals, including wild animals, at any premises is punishable under the Animals and Birds (Licensing of Farms) Rules with an imprisonment term not exceeding twelve months a fine not exceeding the equivalent of approximately US$7,353, or both.

The Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act penalizes an individual convicted of money laundering to up to 10 years' imprisonment, a fine not exceeding the equivalent of approximately US$367,647, or both. Offenders that are not individuals are fined an amount not exceeding the equivalent of approximately US$735,294 or twice the value of the property laundered, whichever is higher.

Table 14. Penalties (Selected Offenses) – Singapore

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Endangered Species (Import and Export) Act (Chapter 92A)	Sec. 4.2 any illegally imported/introduced scheduled species **not exceeding 2 years** Sec. 4.3 any other scheduled species **not exceeding 12 months** Sec. 20 Corporate **Officer also guilty whether intentional or negligent**	Sec. 4.1 any scheduled species **not exceeding 2 years** Sec. 20 Corporate **Officer also guilty whether intentional or negligent**	Sec. 4.1 any scheduled species **not exceeding 2 years** Sec. 20 Corporate **Officer also guilty whether intentional or negligent**	Sec. 5.2 every scheduled species **not exceeding 2 years** Sec. 20 Corporate **Officer also guilty whether intentional or negligent**	Sec. 4.2 any illegally imported/introduced scheduled species **not exceeding 2 years** Sec. 20 Corporate **Officer also guilty whether intentional or negligent**	-	-
Wildlife Act	Sec. 8 protected wildlife **not exceeding 2 years** any other case **not exceeding 12 months** Sec. 121	Sec. 9 any living wildlife **not exceeding 12 months** Sec. 121 Corporate Officer also guilty, unless	Sec. 8 protected wildlife **not exceeding 2 years** any other case **not exceeding 12 months**	-	Sec. 5C protected wildlife **not exceeding 2 years** any other case: 1st offense **not exceeding 6 months**; subsequent offense **not**	-	Sec. 5C protected wildlife **not exceeding 2 years** any other wildlife **not exceeding 12 months**

	Corporate Officer also guilty, unless proven otherwise	proven otherwise	Sec. 121 Corporate Officer also guilty, unless proven otherwise		**exceeding 12 months** Sec. 121 Corporate Officer also guilty, unless proven otherwise		Sec. 121 Corporate Officer also guilty, unless proven otherwise
Animals and Birds Act	**-**	Sec. 7 and Sec. 8 **not exceeding 12 months** Corporate **any officer also guilty, unless proven otherwise**	Sec. 16 **not exceeding 12 months** Corporate **any officer also guilty, unless proven otherwise**	Sec. 7 and Sec. 8 **not exceeding 12 months** Corporate **any officer also guilty, unless proven otherwise**	**-**	**-**	**-**
Animals and Birds (Licensing of Farms) Rules	**-**	**-**	**-**	**-**	**-**	**-**	Sec. 13 **not exceeding 12 months**
FINES (in USD)[64]							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Endangered Species (Import and Export) Act (Chapter 92A)	Sec. 4.2 any illegally imported/introduced scheduled species **not exceeding $36,765 per specimen and not exceeding aggregate of $367,647** Sec. 4.3	Sec. 4.1 any scheduled species **not exceeding $36,765 per specimen and not exceeding aggregate of $367,647**	Sec. 4.1 any scheduled species **not exceeding $36,765 per specimen and not exceeding aggregate of $367,647**	Sec. 5.2 every scheduled species **not exceeding $36,765 per specimen and not exceeding aggregate of $367,647**	Sec. 4.2 any illegally imported/introduced scheduled species **not exceeding $36,765 per specimen and not exceeding aggregate of $367,647** Sec. 4.3	**-**	**-**

[64] Exchange rate used: 1 US dollar = 1.36 Singapore dollar. Source: https://data.worldbank.org/indicator/PA.NUS.FCRF

	any other scheduled species **not exceeding $7,352 per specimen and not exceeding aggregate of $73,529**				any other scheduled species **not exceeding $7,352 per specimen and not exceeding aggregate of $73,529**		
Wildlife Act	Sec. 8 protected wildlife **not exceeding $36,765** any other case **not exceeding $7,353**	Sec. 9 any living wildlife **not exceeding $7,353**	Sec. 8 protected wildlife **not exceeding $36,765** any other case **not exceeding $7,353**	-	Sec. 5C protected wildlife **not exceeding $36,765** any other case: 1st offense **not exceeding $7,353**; subsequent offense **not exceeding $14,706**	-	Sec. 5C protected wildlife **not exceeding $36,765** any other case: **not exceeding $14,706**
Animals and Birds Act	-	Sec. 8 **not exceeding $7,353**	Sec. 16 **not exceeding $7,353**	Sec. 8 **not exceeding $7,353**	-	-	Sec. 63 **not exceeding $3,676**
Animals and Birds (Licensing of Farms) Rules	-	-	-	-	-	-	Sec. 13 **not exceeding $7,353**

2.11.6 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

Singapore has not entered into any bilateral/multilateral agreements/MoUs, regionally or internationally, relating to the implementation and enforcement of its CITES regime.

2.11.7 Implementation highlights and enforcement activities

Interagency coordination and the whole-of-government approach to combating wildlife crime is the primary highlight of Singapore's implementation and enforcement efforts.

Efforts by NParks, ICA, Customs and the Chinese authorities were also recognized by the 4th United Nations' Asia Environmental Enforcement Awards 2019 for the significant contribution to combating wildlife crime. In July 2019, acting on a tip-off from the General Administration of Customs of the Republic of China, Singapore seized a record 11.9 tons of illegal pangolin scales and 8.8 tons of illegal elephant ivory, arriving from Congo en route to Viet Nam via Singapore. The consignment was shipped in a container declared as timber. The shipment was estimated to be worth the equivalent of

approximately US$35.7 million (pangolin scales) and $12.9 million (ivory). As of the second quarter of 2021, the case was pending investigation.

On 11 Aug 2020, NParks crushed about nine tons of ivory—the largest amount globally in recent years. The destruction of the ivory prevented it from re-entering the market and will disrupt the global supply chain of illegally traded ivory.

Singapore implements strict screening and inspections. In January 2020, two pieces of transit baggage were flagged for further checks after screening at the Singapore Changi Airport. Upon further inspection, 11 pieces of rhinoceros horns were found. The owner of the bags, who was travelling from South Africa to Viet Nam through Singapore, was immediately arrested and the rhinoceros horns were seized by NParks. The South African man was sentenced to 17 months in jail.

On 12 August 2019, Singapore announced a ban on the domestic trade in elephant ivory, which will come into effect on 1 September 2021. With this ban, the sale of elephant ivory and ivory products, and public display of elephant ivory and ivory products for the purpose of sale will be prohibited in Singapore. This nationwide ban is the most stringent domestic ban internationally and highlights Singapore's strong resolve in the fight against illegal trade in CITES-listed species.

At all checkpoints, officers are trained to look out for travelers exhibiting suspicious behavior. Such travelers are interviewed and detailed checks may be conducted on their personal belongings. These efforts resulted in the successful prosecution of five cases involving illegal import of CITES-listed species in 2018.

Also in 2018, Singapore authorities seized a container of groundnuts from Nigeria which was in transit to Viet Nam and uncovered 61 bags of elephant ivory tusks (1,787 pieces), weighing about 3,500 kg. The illegal shipment was flagged for further inspection as a result of Singapore's robust risk assessment framework. The seizure was reported as required under CITES, DNA sampling of the seized ivory was conducted, and the information was shared with the relevant authorities in Viet Nam.

Singapore's Centre for Wildlife Forensics is anchored by a panel of advisors to collaborate on seizure analysis and forensics work. The Centre strengthens NParks' detection and diagnostic capabilities for identifying and analyzing specimens involved in illegal wildlife trade.

2.11.8 Implementation and enforcement challenges

The key challenge faced by implementation and enforcement authorities is the lack of, or delays in, response to requests for information and the quality of information provided, which impacts effective investigation.

2.11.9 Legal instruments cited

- Endangered Species (Import and Export) Act (Chapter 92A) (ESA), commenced on 17 March 1989 and last amended on 14 February 2021.
- Endangered Species (Import and Export) (Prohibition of Sale) Notification, last revised on 1 April 2008 2006
- WildAnimals and Birds Ordinance 1965, commenced on 22 October 1965, re-named the Wildlife Act on 1 June 2020 and last amended on 1 March 2021.
- Animals and Birds Ordinance 1965, commenced on 22 October 1965, re-named the Animals and Birds Act on 31 August 1971 and last amended on 1 April 2019
- Animals and Birds (Licensing of Farms) Rules, enacted on 1 June 2004 and last amended on 12 September 2006

- Customs Act (Chapter 70) commenced on 26 September 1960 and last amended on 2 January 2021
- Regulation of Imports and Exports Act (Chapter 272A), commenced on 1 December 1995 and last amended on 1 March 2021
- Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A), commenced on 4 December 1992 and last amended on 2 January 2021
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2.12 THAILAND

2.12.1 International and regional framework

Thailand is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The country is a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters and updated its Act on Mutual Assistance in Criminal Matters in 2016.

The country was a founding member of the Asia Pacific Group on Money Laundering (APG) in 1997. Thailand was assessed under the APG's 3rd Round of Mutual Evaluations in December 2016 with the Mutual Evaluation Report adopted in December 2017. Thailand is not a member of the Financial Action Task Force (FATF).

For a table of Thailand's laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters, please refer to Appendix A.2.9.

2.12.2 Regional roles in wildlife enforcement and transnational crime

Thailand has shown its role in wildlife enforcement at regional level since 2004 when Thailand led Southeast Asian Nations to launch the ASEAN Ministerial Statement on CITES during the 13th Meeting of the Conference of the Parties to the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES CoP13) which aimed to improve coordination among AMSs for better implementation of CITES. The joint Ministerial Statement was the starting point of ASEAN regional cooperation on wildlife enforcement and led to the establishment of the ASEAN Wildlife Enforcement Network (ASEAN-WEN) in 2005. Thailand was one of the first five ASEAN Member States to establish its wildlife enforcement network, Thailand WEN, to enhance cooperation between law enforcement agencies in combating illegal wildlife trade, and was recognized as ASEAN-WEN Lead Country. In 2016, the 19th Meeting of ASEAN Senior Official on Forestry adopted the decision to merge the ASEAN-WEN and the ASEAN Expert Group on CITES to form a new working Group namely ASEAN Working Group on CITES and Wildlife Enforcement

In 2015, the ASEAN Ministerial Meeting on Transnational Crime assigned Thailand to be the Voluntary Lead Shepherd on the illicit trafficking of wildlife and timber as a new area of transnational crime. Thailand led the development of the Illicit Trafficking of Wildlife and Timber Component of the 2016-2018 Work Programme on transnational crime and the 2017 ASEAN Ministerial Meeting on Transnational Crime approved the establishment of a Working Group on Illicit Trafficking of Wildlife and Timber. ASEAN Member States agreed on the importance of keeping the scope of the work of this Working Group distinct from that of the ASEAN Working Group on CITES and Wildlife Enforcement. In 2021, Thailand continues in the role of Voluntary Lead Shepherd.

According to the Rules of Procedure of the AWG CITES and WE, Thailand was appointed by the Working Group Members to act as the Lead Country, which was responsible for monitoring the implementation of decisions taken by the meeting of AWG-CITES and WE and taking initiative in consultation with the ASEAN Secretariat and AMSs to make funding arrangement to facilitate the work of the Working Group. In March 2019, Thailand hosted the Special ASEAN Ministerial Meeting on Illegal Wildlife Trade (SAMM-IWT) which resulted in the Chiang Mai Statement of ASEAN Ministers Responsible for CITES and Wildlife Enforcement on Illegal Wildlife. The Chiang Mai SAMM-IWT statement highlighted the need to reduce the demand for wildlife, suppress the illegal wildlife trade, and combat cybercrime. In 2020, Thailand took the lead in the development of the Plan of Action for 2021-2025, which has been adopted.

2.12.3 National strategies and policies

Thailand's national strategies and policies on wildlife enforcement comprises of three components which is detailed as follows;

- 3.9.3.1 *in situ* conservation, which involves designation of protected areas, including national parks and wildlife sanctuaries and enforcing the respective law to protect wildlife in their habitat which are the Wild Animals Conservation and Protection Act B.E. 2562 (2019) for the wildlife sanctuaries and the National Park Act B.E. 2562 (2019) for national parks. The effective management tools such as the SMART Patrols is also apply to better protect wildlife in the protected areas
- 3.9.3.2 *ex situ* conservation, which involves suppression by the Wildlife Crime Taskforce and multi-agency joint operations, captive management control, and demand reduction and awareness raising; and
- 3.9.3.3 Strengthening measures, which involves amending laws and regulations and multi-stakeholder approaches. The important strategies and policies are:

1) National Wildlife Management and Conservation Master Plan

In 2021, Thailand is in the process of developing a National Wildlife Conservation Master Plan.The priorities in the draft plan are to protect wildlife habitat; ensure the diversity of wildlife populations; manage wildlife resources sustainably, reducing human and wildlife conflict; and combat illegal wildlife trade.

2) National CITES Committee under the supervision of the Ministry of Natural Resources and Environment. The Committee is appointed to oversee the CITES implementation and related issues, such as Thailand position to the conservation of species under CITES, issuing the National Ivory Action Plan. The Committee members comprise of the relevant government agencies those are responsible for CITES implementation and working in relation to CITES as follows:

- Department of National Parks, Wildlife and Plant Conservation, responsible for wildlife
- Department of Agriculture, Ministry of Agriculture and Cooperatives (MOAC), responsible for plants
- Department of Fisheries, MOAC-, responsible for aquatic animals.
- Department of Livestock, MOAC
- Royal Thai Police
- Royal Thai Customs
- Department of International Economic Affairs, Ministry of Foreign Affairs
- Etc.

3) Thailand Wildlife Enforcement Network Committee (Thailand WEN)

Thailand also has a National Wildlife Enforcement Networks Committee to oversee the issues on wildlife law enforcement. The agency members are very similar to the members of the National CITES Committee but includes more enforcement agencies and judiciary sector such as police, prosecutor and judges. The responsibilities of National Wildlife Enforcement Networks Committee are:

- Define and control the policy, strategy, guidance, measure and implementation of combating illegal wildlife trade to be in accordance with the Wild Animals Conservation and Protection Act (2019) and CITES;
- Support and define the guidance of multisectoral cooperation at national and regional levels;

- Support the activities of combating transnational crime on wildlife and timber and their law enforcement.

4) The Project on Combating Illegal Wildlife Trade, focusing on Ivory, Rhino Horn, Tiger and Pangolin in Thailand' were created and being implemented during 2018-2023 with the financial support by the GEF (GEF 6). The project focused on combating illegal trade of key species in Thailand through enhanced enforcement capacity and collaboration, and targeted behavior change campaigns.

2.12.4 National legal framework

2.12.4.1 CITES implementation

Thailand has been a Party to CITES since 1983. Its principal implementing legislation is classified as Category 1 legislation that generally meets the requirements for implementation of CITES.

2.12.4.2 Wildlife conservation

The Wild Animals Conservation and Protection Act B.E. 2562 (2019) is the principal law governing wildlife conservation in Thailand. The 2019 law, enacted after a two-year consultation process, repealed a law that was originally enacted in 1992 and amended in 2003 and 2014. Ministerial Regulation No. 3 B.E. 2558 (2015) added the African elephant to the list of wildlife protected under Thai law. Domestic elephants are governed by the Beasts of Burden Act B.E. 2482 (1939) and their tusks are governed by the Elephant Ivory Tusks Act B.E. 2558 (2015). The Royal Ordinance on Fisheries B.E. 2558 (2015) governs aquatic species.

2.12.4.3 Customs

Thailand's Customs Act B.E. 2560 (2017) defines "prohibited goods" and "restricted goods" to include goods whose import, export, transshipment, or transit is prohibited or restricted under other laws.

2.12.4.4 Anti-money laundering

The Anti-Money Laundering Act B.E. 2542 (1999) as amended by Act No. 4 B.E. 2556 (2013) and Act No. 5 B.E. 2558 (2017) includes offenses involving natural resources in trade as predicate offenses.

3.9.4.5 *Transnational organized crime*

The Anti-Participation in Transnational Organized Crime Act B.E. 2556 (2013) governs transnational organized crime, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty". By this definition, the wildlife offence in relation to the WACPA 2019 is considered as a serious crime.

2.12.5 Highlights of key provisions and findings

The Wild Animals Conservation and Protection Act groups wild animals into four categories: conserved; protected; breedable protected; and controlled, which is the category for CITES-listed species. Nineteen species of conserved wild animals are listed in the Act; additional conserved species may be added by Royal Decree. Species of protected wild animals must be listed in a ministerial regulation; species of breedable protected wildlife and controlled wildlife must be listed in ministerial notifications. The Act requires a license for the import, export, possession, and captive breeding of wild animals. Trade in conserved wild animals and protected wild animals and their parts is prohibited; trade in breedable protected animals and controlled wildlife requires a license. Transit does not require a license but does require notifying authorities at a wild animal checkpoint. The Act excludes domestic elephants, which are governed by the Beasts of Burden Act.

A ministerial regulation, which came into effect in 2015 under the previous Wildlife Preservation and Protection Act, designated African elephants as a protected species in Thailand to enable prosecution of the illegal trade in African elephant ivory.

The Beasts of Burden Act governs domestic elephants and stipulates that elephants older than eight years must be registered with a certificate of identification. The Act regulates the ownership, mortgaging, and relocation of domestic elephants, and their disposal when they die. Relocation requires new registration in the district to which the domestic elephant has been moved. If a domestic elephant is taken out of the country and brought back in, a new registration is required. The Act shifts the burden of proof and requires a person in possession of an elephant without the certificate of identification to prove ownership. The fact that a domestic elephant must be registered only once it reaches the age of eight years creates an eight-year window that can offer an opportunity for laundering wild elephants.

The Elephant Ivory Tusks Act governs the possession for trade, possession for transit, import, and export of elephant ivory from domestic elephants. Any person who possesses elephant ivory for no commercial purpose must register it under the Beasts of Burden Act. If a person in possession of elephant ivory cannot prove that it came from a beast of burden, the elephant ivory becomes the property of the state.

The Fisheries Act enables regulation of the import and export of fish and fish products but does not specifically refer to rare species. The Royal Ordinance on Fisheries requires a permit for the import, export, introduction from the sea, transit, breeding, and possession of rare aquatic animals.

Summary of findings with respect to categorized terrestrial wild animals and rare aquatic animals:

- Import – terrestrial and aquatic, allowed, subject to a permit
- Export – terrestrial and aquatic, allowed, subject to a permit
- Re-export – terrestrial, allowed, subject to a permit
- Introduction from the sea – allowed, subject to a permit
- Transit – terrestrial, regulated; aquatic, allowed, subject to a permit
- Possession – terrestrial and aquatic, allowed, subject to a permit
- Captive breeding – terrestrial and aquatic, allowed, subject to a permit
- Trading – terrestrial, prohibited for conserved and protected animals, subject to a permit for breedable protected and controlled animals; aquatic, regulated generally but not specifically for rare aquatic animals
- Consumption – terrestrial, personal use subject to further regulation; aquatic, artisanal fishing regulated
- Handling confiscated species to prevent their re-entry into illegal trade – terrestrial, enabled subject to further regulation; aquatic, regulated

The following inconsistencies in the legal framework merit review:

- Trade in controlled/CITES-listed wild animals is permitted, while trade in conserved and protected wild animals is prohibited;
- The penalties for unlicensed possession and trade of controlled/CITES-listed wild animals are lower than the penalties for the same offenses involving protected and conserved wild animals;
- Given that Thailand is an acknowledged transit hub, the penalties for not notifying competent authorities of transit should be the same as those for unlicensed import and export for each category of wild animals.
-

2.12.6 Penalties

UNTOC, to which Thailand is a Party, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty".

The Wild Animals Conservation and Protection Act penalizes offenses according to the level of protection. The Act stipulates only maximum limits for imprisonment and fines, with the exception of penalties for trading, import, and export of conserved wild animals for which minimum and maximum prison sentences and fines are specified. The most stringent custodial penalty under the Act, imprisonment not exceeding 10 years, is for the unlicensed import and export of controlled, protected, and breedable protected wild animals and for unlicensed trade in protected wild animals. The highest maximum fine is equivalent to approximately US$48,309 for trading conserved animals.

Penalties for unlicensed import and export are identical for controlled, protected, and breedable protected wild animals – imprisonment not exceeding 10 years and/or a fine not exceeding the equivalent of approximately US$32,206.

The trade of conserved animals carries the lowest custodial penalty for trade – imprisonment for three to five years – and the highest maximum fine.

Possession of controlled and breedable protected wild animals are penalized the same – imprisonment not exceeding one year and a fine not exceeding the equivalent of approximately US$3,221. Possession of conserved and protected wild animals are penalized identically and at significantly higher penalties than for possession of controlled/CITES-listed species – imprisonment not exceeding five years and a fine not exceeding the equivalent of approximately US$16,103.

Unnotified transit carries the same penalties for all categories of wild animals – imprisonment not exceeding four years and/or a fine not exceeding the equivalent of approximately US$12,882.

For unlicensed possession and trade of protected wild animals and unlicensed possession of conserved wild animals, the penalties are higher than the penalties for the same offenses involving controlled and breedable protected wild animals. The Act penalizes unlicensed captive breeding of controlled and breedable protected wild animals only.

The Elephant Ivory Tusks Act penalizes the unlicensed import or export of domestic elephant ivory with up to three years' imprisonment and/or a fine not exceeding the equivalent of approximately US$193,237. Failure to register possession and transfer of possession of domestic elephant ivory is penalized with a fine not exceeding the equivalent of approximately US$96,618.

The Royal Ordinance on Fisheries penalizes the unlicensed import, export, transit, breeding, and possession of rare aquatic animals with imprisonment not exceeding one year or a fine not exceeding the equivalent of approximately $32,206.

The Anti-Money Laundering Act penalizes an individual convicted of money laundering to imprisonment for a term of one to 10 years and/or a fine equivalent to a minimum of approximately $644 up to a maximum of approximately $6,441. A juristic person convicted of money laundering is penalized with a fine ranging from a minimum of the equivalent of approximately $6,441 to a maximum of $32,206. A person responsible for conducting the business of a juristic person convicted of money laundering is also penalized as an individual unless the person can prove not having taken part in the commission of the offense.

Table 15. Penalties (Selected Offenses) - Thailand

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Wild Animals Conservation and Protection Act B.E. 2562 (2019)	Sec. 89 protected **not exceeding 10 years** conserved **3-5 years** Sec. 94 controlled and breedable protected **not exceeding 4 years** Sec. 110 Juristic person **Person responsible for intentional offense also liable**	Sec. 89 conserved **3-5 years** Sec. 93 controlled, protected, breedable protected **not exceeding 10 years** Sec. 110 Juristic person **Person responsible for intentional offense also liable**	Sec. 89 conserved **3-5 years** Sec. 93 controlled, protected, breedable protected **not exceeding 10 years** Sec. 110 Juristic person **Person responsible for intentional offense also liable**	Sec. 94 controlled, conserved, protected, breedable protected **not exceeding 4 years** Sec. 110 Juristic person **Person responsible for intentional offense also liable**	Sec. 90 controlled, breedable protected **not exceeding 1 year** Sec. 92 conserved, protected **not exceeding 5 years** Sec. 110 Juristic person **Person responsible for intentional offense also liable**	-	Sec. 95 controlled, breedable protected **not exceeding 3 years** Sec. 110 Juristic person **Person responsible for intentional offense also liable**
Elephant Ivory Tusks Act B.E. 2558 (2015)	Sec. 13 **not exceeding 3 years**	Sec. 13 **not exceeding 3 years**	Sec. 13 **not exceeding 3 years**	Sec. 13 **not exceeding 3 years**	-	-	-
Royal Ordinance on Fisheries B.E. 2558 (2015)		Sec. 144 **not exceeding 1 year** Sec. 168 Juristic person **Person responsible for act or omission leading to the offense is also liable**	Sec. 144 **not exceeding 1 year** Sec. 168 Juristic person **Person responsible for act or omission leading to the offense is also liable**	Sec. 144 **not exceeding 1 year** Sec. 168 Juristic person **Person responsible for act or omission leading to the offense is also liable**	Sec. 144 **not exceeding 1 year** Sec. 168 Juristic person **Person responsible for act or omission leading to the offense is also liable**		Sec. 144 **not exceeding 1 year** Sec. 168 Juristic person **Person responsible for act or omission leading to the offense is also liable**

FINES (in USD)[65]							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Wild Animals Conservation and Protection Act B.E. 2562 (2019)	Sec. 89 protected **$32,206** conserved **$9,662-$48,309** Sec. 94 controlled, breedable protected **not exceeding $12,882**	Sec. 89 conserved **$9,662-$32,206** Sec. 93 controlled, protected, breedable protected **not exceeding $32,206**	Sec. 89 conserved **$9,662-$32,206** Sec. 93 controlled, protected, breedable protected **not exceeding $32,206**	Sec. 94 controlled, conserved, protected, breedable protected **not exceeding $12,882**	Sec. 90 controlled, breedable protected **not exceeding $3,221** Sec. 92 conserved, protected **not exceeding $16,103**	-	Sec. 95 controlled, breedable protected **not exceeding $9,662**
Elephant Ivory Tusks Act B.E. 2558 (2015)	Sec. 13 **not exceeding $193,237**	Sec. 13 **not exceeding $193,237**	Sec. 13 **not exceeding $193,237**	Sec. 13 **not exceeding $193,237**	Sec. 14 **not exceeding $96,618**	-	-
Royal Ordinance on Fisheries B.E. 2558 (2015)	-	Sec. 144 **not exceeding $32,206**	Sec. 144 **not exceeding $32,206**	Sec. 144 **not exceeding $32,206**	Sec. 144 **not exceeding $32,206**	-	Sec. 144 **not exceeding $32,206**

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2.12.7 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

Thailand has not entered into any bilateral/multilateral agreements/MoUs, regionally or internationally, relating to the implementation and enforcement of its CITES regime.

2.12.8 Implementation highlights and enforcement activities

To enforce the law effectively, Thailand's Department of National Parks, Wildlife and Plant Conservation (DNP) has set up many specialized task forces, I,e. Phaya Sua (Tiger King) Task Force, Wild Hawk (Yieo Dong), the Anti-Wildlife Crime Task Force focus on the illegal trade of wildlife over

[65] Exchange rate used: 1 US dollar = 31.05 Thailand Baht. (source: https://data.worldbank.org/indicator/PA.NUS.FCRF)

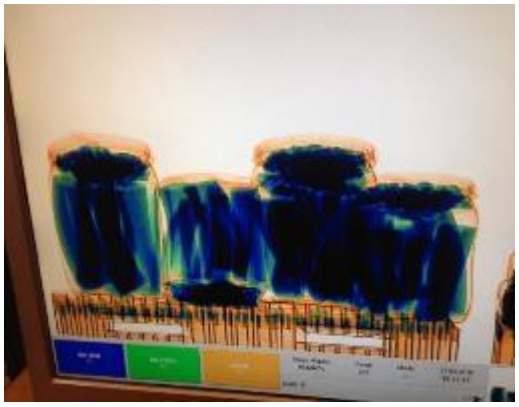
the internet. The collaboration among DNP, Natural Resources and Environmental Crime Police and Customs is also crucial for wildlife enforcement actions and implementation of CITES. Several seizures relied on intelligence analysis of Customs and police officer. To prosecute to full extent of the law for all significant cases, other related law than the national wildlife protection law, such as the anti-money laundering law is also applied.

3.9.8.1 Enforcement activities

In 2017 and 2018, Thailand intercepted significant shipments of ivory, pangolin scales, tortoises, turtles, and other species through customs network intelligence analysis and risk management analysis.

Significant seizures include:

- On 27 March 2016, 87 pieces (315.20 kilograms) of ivory tusks seized at Suvarnabhumi Airport (Cargo) from Mozambique via Kenya to Thailand by Kenya Airways, Flight 886. This shipment was falsely declared as rough stone.







- On 2 February 2017, 2.9 tons of African pangolin scales seized while being shipped through Thailand from Congo to Laos. This case involved cooperation among DNP, Royal Thai Police, and Royal Thai Customs Department.
-




- On 7 March 2017, 330 kilograms of Malawi ivory, valued at the equivalent of approximately US$547,500, trafficked by a Gambian national, were seized at Suvarnabhumi Airport.

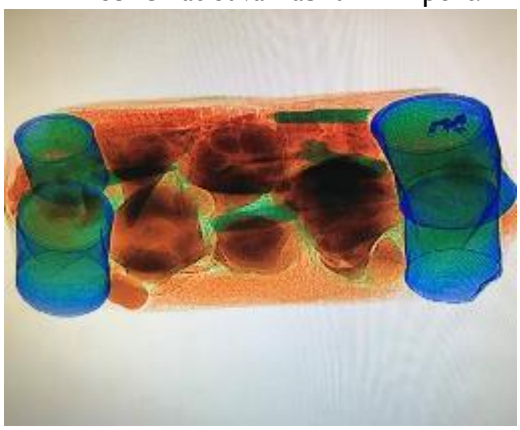



- On 10 March 2017, 21 unusually large rhino horns from Ethiopia, valued at the equivalent of approximately US$5.5 million baht were seized from the baggage of woman at Suvarnabhumi Airport.

- On 9 November 2017, 43 pieces of cut ivory (116 kg) and 15 kg of pangolin scales from Congo were seized at Suvarnabhumi Airport.



- On 11 December 2017, 14 pieces of rhinoceros horns (11.16 kg) from South Africa were seized at Suvarnabhumi Airport.




- On 11 January 2018, 148 kg of ivory (3 tusks, 31 pieces) from Nigeria were seized in cargo of Suvarnabhumi Airport.

- On 29 January 2018, 70 tons of Siamese Rosewood that was hidden in four containers ready for distribution to Hong Kong were seized at Bangkok port.

The Boonchai Bach case is an example of successful interagency collaboration. . On 11 December 2017, 14 pieces of rhinoceros horn (11.16 kg) from South Africa were seized at Suvarnabhumi Airport. Police caught Mr. Chen Hongsen, a Chinese national, bribed an airport quarantine official to remove the horns from the quarantine section of the airport and hand them over Mr. Bach Van Hoa, a Vietnamese national who also has Thai citizenship. The police investigation led to a major syndicate that was allegedly financed by Boonchai Bach who was arrested in January 2018 in connection with smuggling the rhino horns from South Africa to Thailand. On 12 March 2021, the Anti-Money Laundering Office (AMLO) ordered the temporary confiscation of assets related to the alleged crime, appraised at a value equivalent to approximately US$460,860.

The case of Kampanat Chaiyamat is an example of applying financial investigation and seizure of property in accordance with the Anti-Money Laundering Act. In May 2014, following the arrest of Kampanat Chaiyamat by the Royal Thai Police, Thailand's Anti-Money Laundering Office (AMLO) seized the equivalent of approximately $32.2 million from a wildlife trafficking syndicate.

Apart from suppression, the international cooperation on investigation of transnational case is also prioritized. The example of cross border cooperation is bilateral cooperation with neighboring countries, I,e, Thailand and Lao PDR; Thailand and Malaysia; and Thailand and Myanmar. Other cooperation such as repatriation of confiscated animals to their source is also emphasized.

On 17 December 2020, Thailand repatriated two orangutans to Indonesia. Since 2006 up to 2020, a total of 71 orangutans were repatriated to Indonesia on three previous occasions and further repatriations are expected in 2021.

On 25 April 2016, Malaysia sent back smuggled Siamese Rosewood to Thailand as the country of origin.

3.9.8.2 Law enforcement support tools

- Listing the endangered species as reserved wild animals in accordance with the national wildlife law for greater protection is one of important measure to support law enforcement. On 9 March 2021, the National Wildlife Committee endorsed the proposal to list the helmeted hornbill (*Rhainoplax vigil*) as the 20th reserved wild animal under the Wild Animals Conservation and Protection Act 2019.

- Develop the Wildlife Forensic Science Laboratory to examine and analyze evidences from the crime scene in relation to wildlife crime case. The lab also functions in developing DNA Database of key wildlife species for technical and law enforcement purposes.
- Building network to support law enforcement work, for example, the launching the Wild Watch TH campaign in 2018 which aimed to encourage the public to notify the officials when find the wildlife offenses through various channels including a website, email, online communication apps, or 1362 hotline.

- Adopting the World Customs Organization vision, mission, and strategic goal to be a digital customs service. Royal Thai Customs is now deploying technologies to enhance the customs control including CCTV, X-ray scanner and e-Lock tracking.
- CCTV and related systems. There are three levels of command centers in the CCTV project. The highest level is Customs Control Center at Customs headquarters in Bangkok. It can control all network cameras and systems in the project. The second level is Regional Control Center which can command every customs house's CCTV system in its area and the third level is Local Control Center at Customs Houses. Royal Thai Customs has 2204 IP cameras to monitor the border at customs houses all over the country, including the international airport, for real-time incidents or playback to investigate a situation. All the cameras are connected with the private MPLS network that helps Royal Thai Customs to monitor and control the cameras from any work place.
- The Facial Recognition System is used for customs border control in main international airports including Phuket International Airport and Suvarnabhumi International Airport. This system has high resolution cameras which captures pictures of human faces and compare them with the pictures of blacklisted persons in the database server and warns Customs Officers by giving an alarm signal on screen or making an alarm sound in the command center if there is a blacklisted person passing the border control unit
- The License Plate Recognition System is also used for customs border control. This system has high resolution cameras which capture pictures of vehicle license plates, transform the digital pictures to text files, and record them in the database server with other information such as the name of the driver, date and time of entry or exit, among other data. This system can compare incoming data with recorded data in the database server and warn customs officers by giving an alarm signal on screen or making an alarm sound in the command center if there is a blacklisted vehicle passing the border control unit.
- WEB Conference is an internet-networked communication channel for customs officers which can communicate with other similar systems all over the globe. Royal Thai Customs can communicate using applications as well as computers with full conference equipment or only smartphones with headphones and microphones.
- In 2003, Royal Thai Customs started procuring container X-ray equipment for cargo inspection to expedite clearance and to strengthen the inspection system. Now there are 33

systems located all over the country. With the Internet of Things, Royal Thai Customs now centralizes images from all systems to a central department and can monitor and both local and central officers can analyze the images. Among the benefits of operationalizing this new container X-ray system are increasing the volume of cargo handling, increasing the capability to detect smuggling of contraband such as drugs and weapons, reducing opportunities for customs fraud, and assisting customs officers to compare information on import declarations against the actual goods in a container.

- For scanning passengers' belongings, Royal Thai Customs uses basic AI image analysis to detect illegal goods including specimens of CITES-listed species.
- The e-Lock system was a pilot project that was fully operationalized in September 2018. It is integrated with RFID, GPS satellite, GIS mapping, and cellular data transmitters. This project uses the Internet of Things instead of mechanical tools to control transit consignments and other cargo movement under Customs control. All activity along the route is reported to the control center 24 hours per day to monitor movements and respond to any criteria that are set as risk factors, such as driving out of a normal route, trying to open a container, or break an e-Lock device. Royal Thai Customs currently has 16 e-Lock stations.

3.9.8.3 Best practices

Among **best practices** is the development of the Rapid Reference Guide on Applicable Offenses to Trafficking of Critically Endangered Species in Thailand, led by the Office of the Attorney General. The Guide is a handy manual for law enforcement officers, which helps them to better investigate and prosecute wildlife crime cases. The development of the Guide, supported by USAID Wildlife Asia, demonstrates the cooperation among law enforcement agencies including the Department of National Parks, Royal Thai Police, Thai Customs, AMLO, and the Office of the Attorney General.

2.12.9 Implementation and enforcement challenges

Key implementation and enforcement challenges include:

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- Identification of wildlife valuation methods and standardized values to enable courts to determine appropriate penalties;
- Intelligence and detection of illegal wildlife trade, particularly online trade;
- Strengthening coordination and collaboration among related law enforcement agencies;
- Regularly improving and developing the structure and responsibilities of the relevant committees at every level;
- Establishing a National Strategic Plan related to CITES and combating illegal wildlife trade;
- Species identification, especially non-native species and when the specimens are parts, eggs, embryos, etc.
- Strengthening the skills and capacity of enforcement officers/staff to more effectively detect the presence of online trade in wildlife and wildlife products, seizure and arrest techniques, collection and preservation of evidence in crime scene investigations, as well as the languages for finding information from tourists and local people along the borders;
- Intensely investigating and prosecuting officials involved in illegal wildlife trafficking;
- Promoting wildlife breeding by indigenous people and rural/local communities to reduce their harvesting wildlife directly from the forest;

- Increasing mechanisms and efficiency in responding to and providing supporting information, including the quality of information from relevant agencies for investigation process;
- More use of measures for seizing/attaching assets under the anti-money laundering act integrated with wildlife prosecution;
- Increasing cooperation with the private sector and NGOs in reducing demand wildlife and wildlife products;
- Establishing social pressure and sanctions against wildlife offenders;
- Creating standards and systems for detecting falsified and fake permits/certificates to facilitate interoperability among multiple agencies;
- Establishing rules, procedures, and conditions for control of transit of wildlife and wildlife products.
- Creating a central information and intelligence unit for wildlife crime cases at national and regional levels;
- The newly Wild Animal Conservation and Protection act 2019 has laid down several principle provisions that need subordinate law enactment to stipulate the normal practice, it is so challenging make it most suitable. For example, the listing of the Controlled Wild Animals; the guideline of managing the confiscated live animals, etc.

2.12.10 Legal instruments cited

- Wild Animals Conservation and Protection Act B.E. 2562 (2019)
- Ministerial Regulation No. 3 B.E. 2558 (2015)
- Beasts of Burden Act B.E. 2482 (1939)
- Elephant Ivory Tusks Act B.E. 2558 (2015)
- Royal Ordinance on Fisheries B.E. 2558 (2015)
- Customs Act B.E. 2560 (2017)
- Anti-Money Laundering Act B.E. 2542 (1999) as amended by Act No. 4 B.E. 2556 (2013) and Act No. 5 B.E. 2558 (2017)
- Anti-Participation in Transnational Organized Crime Act B.E.2556 (2013)

2.13 VIET NAM

2.13.1 International and regional framework

Viet Nam is a Party to the major international agreements applicable to illegal wildlife trade and transnational organized crime including CITES, UNTOC, and UNCAC. The country is a Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters and adopted its Law on Legal Assistance in 2007.

Viet Nam participates in the ASEAN Working Group on CITES and Wildlife Enforcement under the ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF) and the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber under the ASEAN Senior Officials Meeting on Transnational Crime. In 2010, the Ministry of Agriculture and Rural Development (MARD) issued a decision on the interagency Wildlife Enforcement Network Steering Committee, which consolidated, amended, and supplemented the Committee's tasks coordinating the enforcement of laws and regulations controlling wild fauna and flora. Viet Nam-WEN holds annual meetings of its Steering Committee to review CITES implementation and adopt upcoming activities. (Decision No.2200/QD-BNN-TCCB issued in 2010).

The country became a member of the Asia Pacific Group on Money Laundering (APG) in May 2007. Viet Nam underwent an APG Mutual Evaluation in November 2008 and the report was adopted in July 2009. Viet Nam is not a member of the Financial Action Task Force (FATF).

For a table of Viet Nam's laws implementing international agreements governing issues related to illegal wildlife trade and other relevant matters, please refer to Appendix A.2.10.

2.13.2 National strategies and policies

Viet Nam's National Biodiversity Strategy to 2020, Vision to 2030 includes a program on control of illegal exploitation, trade, and consumption of endangered wildlife, which was prepared by MARD in cooperation with the Ministry of Natural Resources and Environment (MONRE), the Ministry of Public Security, and the Ministry of Industry and Trade.

The country has adopted a National Ivory and Rhino Horn Action Plan.

Viet Nam's strategies for combating illegal wildlife trade include:

- Deploying the Action Plan for urgent conservation of elephants, tigers, and marine turtles;
- Drafting an Action Plan for conservation of pangolins;
- Following and controlling wildlife transactions on social media; and
- Developing cooperation with other AMS, China, South Africa, the European Union, and the United States.

2.13.3 National legal framework

2.13.3.1 CITES implementation

Viet Nam has been a Party to CITES since 1994. Its legislation is classified as Category 1 legislation that generally meets the requirements for implementation of CITES. The Law on Forestry (No. 16) and the Law on Fisheries (No. 18), both adopted in 2017 and both administered by MARD, are the principal implementing laws. MONRE, which is the National Focal Point for the Convention on Biological Diversity, also has responsibilities for CITES implementation. Viet Nam does not have a standard operating procedure for CITES implementation.

Subordinate legal instruments which regulate CITES implementation in detail include:

- Prime Minister Directive No. 29/2020 on urgent measures to tighten the management of wildlife;
- Government Decree No. 6/2019 on management of endangered, rare and precious flora and fauna and CITES implementation, which consolidated several previous regulations governing CITES implementation;
- Prime Minister Directive No. 28/2016 on urgent solutions for preventing and fighting the violation of wild animals against the law;
- Government Decree No. 160/2013 on criteria for listing endangered species; and
- Prime Minister Decision No. 11/2013 on banning the import, export, purchase, and sale of specimens of two species of CITES-listed rhinoceros and African elephants.

2.13.3.2 Wildlife conservation

The Law on Forestry and the Law on Fisheries are the principal wildlife conservation laws. The list of endangered, precious, and rare species prioritized for protection was updated and amended in 2019. The list of species of wild fauna and flora specified in the CITES Appendices was last incorporated into the national legal framework in 2019.

2.13.3.3 Customs

The Customs Law No. 54/2014 defines "goods" as movable assets specified in a list of permitted imports and exports.

2.13.3.4 Anti-money laundering

The Law on Prevention of Money Laundering No. 7/2012 defines "money laundering" as including acts to legalize the origin of property created by crimes including those that are regulated in the Criminal Code. Crimes involving wildlife generally and endangered wildlife in particular are penalized in the Criminal Code.

2.13.4 Highlights of key provisions and findings

The Law on Forestry stipulates that export, import, temporary import, temporary export, or transit of specimens of forest animal species for commercial purposes must comply with national law and CITES. It specifically prohibits illegally trading forest animal species generally and stipulates that CITES-listed specimens in trade must be marked to identify their legal origins and management. The Law specifies that the Government must list endangered and rare forest animal species, establish procedures for using CITES-listed species, and specify requirements for licensing the breeding of endangered or rare forest animals, CITES-listed animals, and ordinary forest animals. The Law stipulates that specimens of CITES-listed forest animals must be legally derived from nurseries or farms or from natural use, or be legally confiscated.

Prime Minister Directive No. 29/2020 on urgent measures to tighten the management of wildlife requests all ministries to stop the import of wild animals, intensify patrols, eliminate markets where wildlife is traded, intensify supervision of facilities raising and trading in wild animals, ensure that only legally acquired animals are used to produce medicine, and to review their laws and regulations with a view to increasing sanctions.

Government Decree No. 6/2019 on the management of endangered, rare, and precious flora and fauna, and CITES implementation consolidated several previous regulations governing CITES implementation. The Decree governs import, export, re-export, introduction from the sea, transit, captive breeding, and trade of CITES-listed species. Export, import, re-export, introduction from the sea, and transit require a CITES permit and the Decree stipulates the procedures for CITES permits. The Decree defines the export, import, re-export, introduction from the sea, and transit of specimens of CITES Appendix I species as prohibited for commercial purposes and defines the export, import,

re-export, introduction from the sea, and transit of specimens of CITES Appendix II species for commercial purposes as controlled. The Decree categorizes the species lists as Group IB and Group IIB for forest fauna listed in CITES Appendix I and Appendix II, respectively. The export, import, temporary import for export, temporary export for import of specimens of such species must be managed to ensure their legal origin. The breeding, export, and trade in Group I species is regulated as for CITES Appendix I species and the same acts with Group II species are regulated as for CITES Appendix II species. The Decree establishes criteria and procedures for managing confiscated specimens to ensure that they do not re-enter the illegal wildlife trade. Captive breeding of CITES-listed species for commercial and non-commercial purposes is enabled and regulated, and captive breeding facilities must be licensed. Live animals that have been seized must be moved to an animal quarantine facility and handled according to national law and CITES regulations; there are no provisions that explicitly prevent confiscated specimens from re-entering the illegal wildlife trade. Government Decree No. 6/2019 assigns MARD to assess the status of endangered, precious, and rare forest fauna species nationwide. Government Decree No. 160/2013 on criteria for listing endangered species assigns the responsibility for determining the status of endangered, precious, and rare species to MONRE.

Prime Minister Decision No. 11/2013 bans the import, export, purchase, and sale of specimens of two species of CITES-listed rhinoceros and of African elephants.

The Law on Fisheries regulates the processing, export, import, re-export, introduction from the sea, and transit of CITES-listed aquatic species. It stipulates that specimens in trade must originate from licensed breeding facilities, legal commercial fishing, or have been legally confiscated.

Summary of findings with respect to threatened species:

- Import – allowed, subject to a permit but prohibited for CITES Appendix I species for commercial purposes, controlled for CITES Appendix II species for commercial purposes
- Export – same as for import
- Re-export – same as for import
- Introduction from the sea – same as for import under Government Decree No. 6/2019; the Law on Fisheries also regulates introduction from the sea
- Possession – regulated
- Transit – same as for import
- Captive breeding – allowed, subject to a permit
- Trading – regulated
- Consumption – regulated (refer Article 234, Article 244 of Penal Code 2017, Article 9, Article 29 and Article 30 of Decree No.6/2019/ND-CP).
- Handling confiscated species to prevent their re-entry into illegal trade – regulated

The following inconsistencies in the legal framework merit review:

- Social media platforms and e-markets that promote and facilitate illegal wildlife trade are not regulated or penalized;
- The Law on Fisheries regulates the export, import, re-export, introduction from the sea, and transit of CITES-listed aquatic species but the Criminal Code does not assign penalties for offenses involving aquatic animals. The maximum fine for destroying the habitat of endangered aquatic species is less under Decree No. 42/2019 than it is under the Criminal Code.

2.13.5 Penalties

Viet Nam amended its Criminal Code in 2017 and the amended Code came into effect on 1 January 2018. The amended Code stipulates penalties for violations of regulations governing wildlife generally

and for violations of regulations governing endangered and rare animals. Government decrees specify administrative penalties:

- Government Decree No. 35/2019 on penalties for administrative violations against regulations on forestry; and
- Government Decree No. 42/2019 on penalties for administrative violations against regulations on fisheries.

UNTOC, to which Viet Nam is a Party, defines a serious crime as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty". Viet Nam's amended Criminal Code defines a serious crime as one for which the maximum sentence ranges from more than three years up to seven years' imprisonment.

The Criminal Code penalizes offenses according to the level of protection and sub-categorizes them according to the value and/or volume of the specimens or amount of profit, aggravating circumstances, and whether they are committed by individuals or corporate bodies.
Offenses involving specimens of species listed in CITES Appendix I/Group I are penalized with imprisonment ranging from one to 15 years. Criminal fines for offenses involving specimens of species listed in CITES Appendix I/Group I range from a minimum equivalent to approximately US$21,692 to a maximum of approximately US$86,767. Fines for offenses by corporate bodies range from a minimum equivalent to approximately US$216,917 to a maximum of approximately US$433,835.

For offenses involving specimens listed in CITES Appendix II/Group II, the imprisonment penalty ranges from six months to 12 years. Criminal fines for offenses involving specimens listed in CITES Appendix II/Group II range from a minimum equivalent to approximately US$2,169 to a maximum of approximately US$65,075. Fines for offenses by corporate bodies range from a minimum equivalent to approximately US$43,383 to a maximum of approximately US$130,150.

The Criminal Code penalizes one offense related to listed endangered aquatic species – destroying their habitat – and does not refer to the level of protection of the species involved. The penalties depend on the assessed value of the damage caused: imprisonment ranges from a term of six months to three years; fines range from a minimum equivalent to approximately US$2,169 to a maximum of approximately US$13,015.

Government Decree No. 35/2019 stipulates administrative fines that are also categorized according to the level of protection of the species involved. The violations for which administrative fines are imposed include advertising the illegal trade in forest animals (US$43-US$65), unlicensed trading of animals in Group II (US$217-US$15,618), failure to comply with recording and monitoring requirements for captive breeding (US$43-US$87), and failure to register a captive breeding facility (US$86-US$217).

Under Government Decree No. 42/2019, administrative fines related to CITES-listed aquatic species include: for destroying the habitat of endangered aquatic species, a minimum fine equivalent to approximately US$2,169 to a maximum of approximately US$4,338; for failure to register breeding facilities, comply with recording requirements, and for breeding species of unknown origin, a minimum fine equivalent to approximately US$43 up to a maximum equivalent to approximately US$434.

The Law on Prevention of Money Laundering stipulates that organizations are penalized with administrative sanctions and that individuals are penalized with administrative sanctions or prosecuted. The Criminal Code stipulates for money laundering a maximum imprisonment term of 15 years and a fine three times the value of the property involved in the crime.

Table 16. Penalties (Selected Offenses) -Viet Nam

IMPRISONMENT TERMS							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Criminal Code 2015	Art. 234 CITES Appendix II/Group II 234.1 According to value **6-36 months** Art. 234.2 Aggravating circumstances **3-7 years** Art. 234.3 According to value **7-12 years** Art. 244 CITES Appendix I/Group I Art. 244.1 According to number/volume of specimens **1-5 years** Art. 244.2 According to number/volume of specimens and aggravating circumstances **5-10 years** Art. 244.3 According to number/volume of specimens **10-15 years**	see trading	see trading	see trading	Art. 234 CITES Appendix II/Group II 234.1 According to value **6-36 months** Art. 234.2 Aggravating circumstances **3-7 years** Art. 234.3 According to value **7-12 years** Art. 244 CITES Appendix I/Group I Art. 244.1 According to number/volume of specimens **1-5 years** Art. 244.2 According to number/volume of specimens and aggravating circumstances **5-10 years** Art. 244.3 According to number/volume of specimens **10-15 years**	-	Art. 234 CITES Appendix II/Group II 234.1 According to value **6-36 months** Art. 234.2 Aggravating circumstances **3-7 years** Art. 234.3 According to value **7-12 years** Art. 244 CITES Appendix I/Group I Art. 244.1 According to number/volume of specimens **1-5 years** Art. 244.2 According to number/volume of specimens and aggravating circumstances **5-10 years** Art. 244.3 According to number/volume of specimens **10-15 years**
FINES (in USD)[66]							
	Trading	Import	Export	Transit	Possession	Consumption	Captive breeding
Criminal Code 2015	Art. 234 CITES Appendix II/Group II	see trading	see trading	see trading	Art. 234 CITES Appendix II/Group II	-	Art. 234 CITES Appendix II/Group II

[66] Exchange rate used: 1 US dollar = 23,050.24 Vietnamese Dong. (Source: https://data.worldbank.org/indicator/PA.NUS.FCRF)

	234.1 According to value **$2,169-$13,015** Art. 234.2 Aggravating circumstances **$13,015-$65,075** Art. 234.5 Corporate **$43,383-$130,150** Art. 244 CITES Appendix I/Group I Art. 244.1-.3 **$21,692 to $86,767** Art. 244.5 Corporate **$216,917-$433,835**				234.1 According to value **$2,169-$13,015** Art. 234.2 Aggravating circumstances **$13,015-$65,075** Art. 234.5 Corporate **$43,383-$130,150** Art. 244 CITES Appendix I/Group I Art. 244.1-.3 **$21,692 to $86,767** Art. 244.5 Corporate **$216,917-$433,835**		234.1 According to value **$2,169-$13,015** Art. 234.2 Aggravating circumstances **$13,015-$65,075** Art. 234.5 Corporate **$43,383-$130,150** Art. 244 CITES Appendix I/Group I Art. 244.1-.3 **$21,692 to $86,767** Art. 244.5 Corporate **$216,917-$433,835**
Decree No. 35/2019/ND-CP	Art. 16.4.dd advertising for trade **$43-$65** Art. 23.1-.14 No or non-compliant documentation in specified cases **$217-$15,618** Art. 24.4 Non-compliant documentation generally **$217-$434**	-	-	-	Art. 23.1-.14 No or non-compliant documentation for storage **$217-$15,618** Art. 24.4 Non-compliant documentation for storage **$217-$434**	-	Art. 24.2 failure to report **$43-$87** Art. 24.3 Failure to register **$87-$217**
Decree No. 42/2019/ND-CP	-	-	-	-	-	-	Art. 19 Failure to record and register and breeding species of unknown origin **$43-$434**

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2.13.6 Bilateral/multilateral agreements/MoUs relating to implementation and enforcement of CITES regime

Viet Nam has entered into five bilateral agreements for implementing CITES; four of the agreements have ended and one remains in effect until 2022:

- A Memorandum of Understanding between Viet Nam and the Czech Republic, for the period 2017-2022, focuses on strengthening cooperation in the fight against illegal wildlife trade, and particularly trade in rhinos, elephants, and tigers;
- An agreement between Viet Nam's CITES Management Authority and China's CITES Management Authority on strengthening the implementation of CITES was in effect during 2015-2020. The agreement focused on information sharing, public awareness raising, and capacity building and training on an equal basis, ensuring mutual benefits and a spirit of partnership building and long-term cooperation;
- A Memorandum of Understanding on wildlife and biodiversity conservation and protection between Viet Nam and South Africa was in effect during 2012-2017. The agreement focused on enhancing cooperation in biodiversity management, conservation and protection, and law enforcement and compliance with CITES;
- A Memorandum of Understanding between Viet Nam and Indonesia that was in effect during 2010-2015 focused on strengthening cooperation in combating trade in timber and wildlife, particularly tigers;
- A Memorandum of Understanding between Vietnam Forest Protection Department and Lao PDR Department of Forestry Inspection that was effect during 2012-2017 in forest protection, illegal transportation of timber, forest products and wildlife.

2.13.7 Implementation highlights and enforcement activities

Key implementation and enforcement measures include:

- Stopping the import of wildlife;
- Closing all local wildlife markets;
- Checking wildlife farms regularly;
- Checking the trade at border gates, airports, and seaports regularly; and
- Raising public awareness on illegal trade in wildlife.

Forest Rangers, the Environment Police, Customs, the Border Army, and Market Control coordinate to implement Prime Minister Directive No. 29/2020 on urgent measures to tighten the management of wildlife.

Enforcement highlights include:

- On 22 March 2020, seizing 200 kg of ivory in Nghệ An province;
- On 8 January 2020, seizing two carcasses of wild cats and four bear legs from a Lao van; and
- On 5 April 2019, seizing one Sunda slow loris (*Nycticebus coucang*) that was being offered on Facebook.

Other significant seizures include:

- 21 December 2020, 93.96 kg of rhino horn in Tan Son Nhat airport
- 12 December 2020, 5 pieces of rhino horn in Van Don Airport
- 15 August 2020: 4 bear legs in Ha Noi
- March 2020, 6.3 kg of rhino horn in Tan Son Nhat airport
- 2 March 2020, 28.76 kg of rhino horn in Can Tho airport

	
8 January 2020: interagencies in Nghe An province detected and confiscated 02 carcasses, 04 legs of bear on the Laos van.	22 March 2020: 200 kg ivory were seized in Nghe An province
	
22 December 2020: Customs in Ho Chi Minh City confiscated 93kg rhino horn in Tan Son Nhat airport	2 March 2020: 28.7 kg rhino horns were seized in Can Tho airport
	
26 March 2019: 9.1 tons of ivory seized at Da Nang port in containers of saw wood	May 2018: 7 tons of pangolin scale were seized in Cat Lai port

1 June 2021: Viet Nam handover 56 ADN samples of rhino horns to South Africa to trace the origin.

Best practices include:

- Banning the import of wild animals and wildlife products;
- Controlling the domestic wildlife trade by closing local wildlife markets;
- Improving animal quarantine;
- Checking wildlife farms;
- Investigating wildlife trade in border regions with Laos and Cambodia;
- Investigating wildlife trade online for some targeted groups of reptile, bird, and mammal species; and
- Improving prosecution with wildlife forensics.

2.13.8 Implementation and enforcement challenges

The key challenges faced by implementation and enforcement agencies include:

- Insufficient financial and human resources;
- The common borders among AMS countries: Viet Nam-Laos-Cambodia; Laos-Cambodia-Thailand;
- The country is an important trade route for wildlife from Africa and other AMS countries to final destination countries;
- Lack of wildlife identification skills;
- Lack of laboratories with equipment and technicians with the ability to use proper forensic techniques;
- Pressure between economic-social development and nature conservation;
- Big challenges of managing the stockpile of confiscated specimens;
- Illegal traders always use modern techniques, especially e-commerce, and have good relations with international crime;
- Lack of mutual legal assistance treaties with many countries and African countries in particular;
- Most emerging infectious diseases originate with wild animals and are also transboundary diseases because of the international trade in wildlife.

2.13.9 Legal instruments cited

- Law on Forestry No. 16/2017
- Law on Fisheries No. 18/2017
- Law on Investment No. 61/2020
- Prime Minister Directive No. 29/2020 on urgent measures to tighten the management of wildlife
- Decree No. 64/2019 on list of endangered, precious, and rare species prioritized for protection
- Government Decree No. 6/2019 on management of endangered, rare and precious flora and fauna and CITES implementation, which consolidated several previous regulations governing CITES implementation
- Government Decree No. 35/2019 on penalties for administrative violations against regulations on forestry
- Government Decree No. 42/2019 on penalties for administrative violations against regulations on fisheries
  Notification No.296-TB/CTVN-HTQT on publicity the list of species of wild fauna and flora specified in the annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
- Government Decree No. 160/2013 on criteria for listing endangered species
- Prime Minister Decision No. 11/2013 on banning the import, export, purchase, and sale of specimens of two species of CITES-listed rhinoceros and African elephants
- Customs Law No. 54/2014
- Law on Prevention of Money Laundering No. 7/2012
- Circular No.29/2019/TT-BNNPTNT on handling of forest animals being exhibits; and forest animas voluntarily submitted to the State by organizations and individuals.

3 BEST PRACTICES AND KEY INNOVATIONS

3.1 INTRODUCTION

The wildlife trafficking market has expanded significantly over the last decade, spreading from Europe and the West, where demand originated, to ASEAN, where demand has increased. Indeed, ASEAN states, including Thailand, Myanmar, and Vietnam have become wildlife trafficking hubs. Animals on the brink of extinction are being poached and traded every day. The most recent statistics from the CITES program for Monitoring the Illegal Killing of Elephants (MIKE) indicate that poaching declined somewhat from 2011 to 2019 in East Africa but remained at high levels in other parts of the continent.[67] Another study estimated there are around 350,000 elephants left in Africa and that approximately 10-15,000 are killed each year by poachers.[68] Pangolins are the most trafficked mammal in the world, with seizures of illegal cargo originating in Africa and intended for Asian markets having increased tenfold since 2014.[69] A 2020 report by the Environmental Investigation Agency details how West and Central Africa have become the epicenter of ivory and pangolin scale trafficking to Asia.[70] In light of this unsustainable killing of two endangered species, it is vital that states where wildlife trafficking occurs implement laws and regulations to decrease the illegal wildlife trade.

This chapter[71] provides short descriptions of selected issues and highlights key provisions of laws in force in AMS that represent best practice on these issues in the ASEAN region and other jurisdictions. These may be considered by AMS in their ongoing initiatives to enhance combating wildlife trafficking. By providing examples of best practices that are effective in deterring wildlife trafficking, it is hoped that AMS will incorporate provisions to implement these innovations into their laws and create strong national legislative frameworks that can be regionally harmonized to combat wildlife trafficking.

Best Practices

Best practices can be broadly categorized into the following themes for ease of reference:

- Harmonizing protected species lists
- Enhancing enforcement efficacy
- Sustainability and funding mechanism
- Incentives and compensation
- Enhancing deterrent effect of penalties.

The best practices showcased in this chapter were selected for their relevance to combating wildlife trafficking. They are focused on legislative enhancement of counter-wildlife trafficking enforcement capability, such as appointing specialized prosecutors, appointing community or private-sector deputies as wildlife enforcement officers, and dealing with online illegal wildlife trading. A State must possess an adequate penalty system that ensures that perpetrators are appropriately punished and which acts as an effective deterrent. Further, States should ensure a minimum level of penalties, mandatory imprisonment terms, and automatic fine adjustments. Amending and implementing legislation require sustainable resources, which is addressed by the examples of funding mechanisms, including the

[67] CITES. 2020. CITES MIKE Programme Reports Continued Downward Trends In Elephant Poaching in Parts of Africa. 16 November. https://cites.org/eng/MIKE_PIKE_Trends_report_elephants_CITES_16112020. It is estimated that the 69 MIKE sites hold more than 50% of the African elephant population on the continent.

[68] Science Daily. 2019. Africa's elephant poaching rates in decline, but iconic animal still under threat. 28 May. https://www.sciencedaily.com/releases/2019/05/190528120331.htm

[69] UNODC. 2020. Wildlife trafficking harms animals and human health: the case of Pangolins. https://www.unodc.org/unodc/press/releases/2020/April/wildlife-trafficking-harms-animals-and-human-health_-the-case-of-pangolins.html

[70] Environmental Investigation Agency. 2020. Out of Africa How West and Central Africa have become the epicentre of ivory and pangolin scale trafficking to Asia. December. https://reports.eia-international.org/out-of-africa/

[71] Adapted from "Scaling Efforts To Counter-Wildlife Trafficking Through Legislative Reforms - A Selection Of Best Practices – Key Provisions, Key Innovations And Model Provisions". https://drive.google.com/file/d/1DHKDlWn9woWpGYEu2FXlDu9lr30lubl7/view

creation of a wildlife conservation fund, restitution, attaching proceeds of crime, rewards for informants, and compensation.

For more country-specific best practices and innovations identified by AMS, please also refer to Chapter 3.

3.2 HARMONIZING PROTECTED SPECIES LISTS

Regional harmonization of treatment of native and non-native CITES-listed species

All AMS have ratified CITES.[72] A crucial function of the Convention is listing species as endangered and categorizing them into three levels of protection in Appendices I, II, and III:[73]

- Appendix I includes species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances;
- Appendix II includes species that are not necessarily threatened with extinction, but in which trade must be controlled to ensure survival of the species;
- Appendix III includes species that are protected in at least one country, which has asked other CITES parties for assistance in controlling trade.

As most AMS already had their own national wildlife protection laws prior to CITES, upgrading AMS laws to incorporate CITES commitments can be an opportunity to ensure consistency of definitions and levels of protection of wildlife species. Although AMS legislative frameworks protect native species in accordance with the CITES Appendices, the list of protected non-native species often does not correspond with CITES Appendices and, in some cases, CITES-listed species are omitted from protection under national law. Only two AMS explicitly link their protected species lists to the CITES Appendices.

Another issue is that the national lists or schedules of protected species are often incorporated into the wildlife laws via an amendment to the list or schedule that specifies only the changes but does not provide the complete amended list or schedule. This can result in confusion about the protected status of individual species if all amendments are not available as one consolidated list or schedule. A related issue is the situation in which a national protected species list does not cover all species of a particular animal. For example, there are eight species of pangolins in CITES Appendix I, but all eight species may not be listed and therefore fully protected in national lists or schedules. Another example is when the protected species list for import/transit/export is different from the list of species that are protected for the purposes of possession, transporting, hunting, and other activities that can lead to wildlife offenses.

At the regional level, the lack of regional harmonization of national protection of CITES-listed species and the absence of non-native endangered species from national lists of protected species is a significant limitation on the ability of AMS that have protected all CITES-listed species to prevent and sanction wildlife crime. To curb the wildlife trafficking market on the supply side and overall, the AMS should harmonize their national lists of protected species and explicitly link them to the CITES Appendices to avoid creating hot spots for wildlife traffickers.[74]

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[72] CITES. List of Contracting Parties. https://cites.org/eng/disc/parties/chronolo.php?order=field_official_name&sort=asc. Accessed 13 May 2021.
[73] CITES. Appendices. https://cites.org/eng/app/appendices.php. Accessed 13 May 2021.
[74] ASEAN -WEN/Freeland, January 2016. ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime, Conclusion, p.31. http://www.aipasecretariat.org/webassets/pdf/10.pdf. The regional unification of laws regarding the inclusion of non-native species, specifically CITES Appendix I category, was objective one of the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora, 2005–2010. Although progress has been made in terms of harmonizing laws regarding the CITES Appendix I category, it is essential to push further for the inclusion of Appendices II and III.

Although all AMS have legislation that incorporates CITES-listed species to some degree, the most thorough and effective way to ensure that national legislation is an effective tool for combating wildlife trafficking would be to amend existing laws to stipulate that the CITES definitions and Appendices I, II, and III are incorporated into national law and that all amendments to the CITES Appendices are automatically incorporated, as CITES issues them.

Among AMS, best practice on this issue is:

- Brunei. The definition of "Appendix" in Section 2 of the Wild and Flora Order, 2007 are an example of how to ensure that national species protection corresponds with the CITES Appendices and any amendments to them.
- Thailand. The definition of "controlled wild animal" means a wild animal which is afforded protection under CITES, in Section 4 of the Wild Animal Conservation and Protection Act. This does not explicitly refer to amendments to the CITES Appendices, as Brunei's Order does, but could be interpreted to mean a wild animal that is CITES-listed at any given time, which would include the Appendices with all amendments to that date.
- Malaysia. The definition of 'wild animals' and 'wild plant' includes any species of animal or plant exists or occurs in the wild state in Sarawak or elsewhere in the world which includes all CITES-listed species.
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3.3 ENHANCING ENFORCEMENT EFFICACY

Appointment of specialized prosecutors

Trafficking in wildlife and animal parts has far-reaching implications, not only for the species involved, but also for human livelihoods, biodiversity, and governance.[75] Wildlife crime is a sophisticated serious crime, with high demand driving high prices and violence, that is often overlooked and under-prosecuted.[76]

Worldwide, it is rare that a country has specialized prosecutors for wildlife crime. A small number of countries have assigned prosecutors to wildlife enforcement units, but in most countries enforcement units need to have close working relationships with general public prosecutorial services to ensure that wildlife crimes are prosecuted.[77] To successfully prosecute wildlife crimes, prosecutors must understand that wildlife crime may involve offenses under several different national laws. Many wildlife criminal cases end in dismissal or acquittal for lack of evidence or inadmissibility of evidence. Prosecutors need to be able to constantly review cases under investigation to ensure that they can withstand judicial scrutiny and prosecution services need specialized expertise and support to do this.[78]

While AMS have recognized the importance of a specialized wildlife enforcement task force under the ASEAN Wildlife Enforcement Network, now known as the ASEAN Working Group on CITES and Wildlife Enforcement, and an environmental court, the momentum for forming a specialized prosecutor unit has still not arisen. Since prosecution is a critical link—deciding whether to pursue a case or to push for deterrent sentences—it is thus crucial that an effective wildlife prosecutor and/or unit be included in a country's enforcement continuum.

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[75] UNODC. 2019. E4J University Module Series: Wildlife Crime. Module 1: Illicit Markets for Wildlife, Forest and Fisheries Products. https://www.unodc.org/e4j/en/wildlife-crime/module-1/key-issues/implications-of-wildlife-trafficking.html
[76] INTERPOL. 2020. A decade tackling wildlife trafficking through global police cooperation. https://www.interpol.int/en/News-and-Events/News/2020/Wildlife-crime-closing-ranks-on-serious-crime-in-the-illegal-animal-trade. Accessed 13 May 2021.
[77] UNODC. 2019. E4J University Module Series: Wildlife Crime. Module 3: Criminal Justice Responses to Wildlife Trafficking. https://www.unodc.org/e4j/en/wildlife-crime/module-3/key-issues/prosecution-and-judiciary.html. Accessed 13 May 2021.
[78] UNODC. 2020. *World Wildlife Crime Report. Trafficking in protected species*. p. 22. https://www.unodc.org/unodc/en/data-and-analysis/wildlife.html

A wildlife special prosecutor would be an effective way of ensuring that wildlife crimes are given appropriate attention by the courts considered and effectively prosecuted and sentenced.

Among AMS, best practice on this issue is:

- Philippines. Sections 19 and 20 of the amended National Integrated Protected Areas System Act stipulate that the Department of Justice must appoint special prosecutors to prosecute violations of laws, rules, and regulations in protected areas, which include poaching, killing, hunting, taking, collecting, and possessing any wildlife inside a protected area and transporting any wildlife outside a protected area. Special prosecutors are to work with the management board of a protected area and assist in training wardens and rangers in arrest and criminal procedures. The management board of a protected area may retain the services of counsel to assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor. While this special prosecutor is only appointed in the event of violations involving wildlife originating in protected areas, the existence of a special prosecutor in itself is a symbol that the government takes wildlife crimes seriously, and such crimes will be punished.
- Indonesia. The 2004 Fisheries Act created special fisheries courts and stipulated that general prosecutors in those courts must have at least five years' experience and have specialized education and training fisheries affairs. Indonesia, and other AMS, could explore this in the context of specialized wildlife courts and prosecutors.

Community or Private Sector Deputation as Wildlife Enforcement Officers

Wildlife trafficking has increasingly spread across ASEAN borders. This is due to increased interest in wild species, but also to the increase in available transportation, including from individuals in civil society. It is important for legislation to address civil society's role in trafficking. Policies to implement voluntary civil society systems and mandatory government tracking systems could significantly hamper wildlife trafficking.

Among AMS, best practice on this issue is:

- Philippines. Section 30 of the Wildlife Resources Conservation and Protection Act enables the deputation and training of Wildlife Enforcement Officers with full authority to seize illegally traded wildlife and arrest violators of wildlife laws.[79] The allocation of responsibility ensures not only that surveillance is overarching but also that knowledge of wildlife trafficking's consequences is spread. Individuals must comply with their new responsibility to protect and report, which will increase observation of any trafficking activity. More surveillance is more deterrence to wildlife crime.

Recovery of Criminal Proceeds

Wildlife trafficking profits encourage wildlife traffickers. To make wildlife trafficking less profitable, authorities must seize any financial gains of wildlife traffickers through prosecutions, using all appropriate tools such as forfeiture of assets. Prosecution of corruption related to wildlife trafficking has not been widely publicized, and the perception of pervasive corruption is widespread among wildlife traders. Seizing assets will help fight that perception.

[79] Philippines, Republic Act No. 9417, Wildlife Resources Conservation And Protection Act Section 30. Deputation of Wildlife Enforcement Officers. — The Secretary shall deputize wildlife enforcement officers from nongovernment organizations, citizens groups, community organizations and other volunteers who have undergone the necessary training for this purpose. The Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI) and other law-enforcement agencies shall designate wildlife enforcement officers. As such, the wildlife enforcement officers shall have the full authority to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention.

Forfeiture and seizure can be especially useful if the trafficker cannot be otherwise punished because he has fled, cannot be apprehended, or even has died. Enhanced enforcement power for asset recovery increases the risk to offenders even when they themselves are beyond the reach of law enforcement.

While many wildlife laws in the region have provisions empowering law enforcers to confiscate assets of wildlife criminals, these are restricted to assets used in the perpetration of the wildlife crime. Other laws, such as anti-money laundering laws, may enhance the power to confiscate and liquidate assets of criminals. The United Kingdom[80] and Australia[81] have robust legal frameworks for such mechanisms under the Proceeds of Crime Act, both promulgated in 2002. The UK was able to use its Proceeds of Crime Act 2002 in two recent cases, one of which was for seizure of assets of £100,000. This case involved rhinoceros horn, elephant tusk, and hippo teeth and resulted in a 14-month prison sentence.[82]

Among AMS, best practice on this issue is:

- Brunei. A Criminal Assets Confiscation Fund has been established under the Criminal Asset Recovery Order of 2012. The fund derives part of its capital from proceeds forfeited/confiscated/recovered from criminals. The fund is to be applied, among other things, to support law enforcement any other matters that may assist in preventing, suppressing or otherwise dealing with criminal conduct."[83]

Violation of foreign laws as predicate offense

To address transnational wildlife crime, a State must be able to recognize violation of foreign laws as a predicate offense. In the United States, the Lacey Act stipulates that violation of foreign laws has legal significance. This is effectively demonstrated by the case of *United States v. Fifty-Three Eclectus Parrots*.[84] The appellant had purchased his parrots from a man in Singapore, who in turn had bought them from their native home, Indonesia. However, the law in Indonesia prohibits the export of these parrots, and thus the appellant, even though in the U.S., had violated the Lacey Act by violating the law of Indonesia. While the appellant contested, it was held that the lack of knowledge of a foreign law was no defense against the Lacey Act seizure of property acquired through violation of any foreign law concerning fish, wildlife, or plants. The Act concerns the violation not only of statutes, but also of regulations and administrative decisions.[85]

This is a powerful enabling agent to aid in the global struggle against wildlife trafficking. It ensures that even if a crime is committed in a foreign country, it can still be charged in the country in which the perpetrator is found. This limits the number of safe havens for wildlife criminals, and results in a more thorough and broad reach for wildlife enforcement.

Dual Criminality

To ensure effective deterrence and limit loopholes open to wildlife criminals, the concept of dual criminal provisions should be considered. Under the United Nations Convention against Transnational Organized Crime, "Dual or double, criminality is a concept prevalent in the law of extradition. The

[80] United Kingdom Proceeds of Crime Act 2002. legislation.gov.uk. https://www.legislation.gov.uk/ukpga/2002/29/contents
[81] Proceeds of Crime Act 2002 No. 85, 2002. Australian Government. Federal Register of Legislation.https://www.legislation.gov.au/Details/C2018C00168
[82] Information from the CITES Seventieth meeting of the Standing Committee for Rhinoceroses report is available at , https://cites.org/sites/default/files/eng/com/sc/70/E-SC70-56.pdf
[83] Criminal Asset Recovery Order, 2012. Section 123(5) Subject to subsection (6), monies in the Fund shall be applied by the Permanent Secretary to -…
(cJ enable the appropriate law enforcement agencies to continue their fight against money laundering, serious offences or unlawful activity;…
(e) any matters that, in his opm10n may assist in preventing, suppressing or otherwise dealing with criminal conduct and in dealing with criminal conduct;…
[84] Krost, T (2018). The World's Laws in American Justice: The Foreign Law Provisions of the 2008 Lacey Act Amendments, Journal of Environmental and Public Health Law, Volume 8 Issue 1, Winter 2013 https://pjephl.law.pitt.edu/ojs/index.php/pjephl/article/viewFile/65/56
[85] Ibid. Ibid.

dual criminality will be met if the offense for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party."[86] This concept again places emphasis on the harmonization of national laws in the region. "No person may be extradited whose deed is not a crime according to criminal law of the State which is asked to extradite as well as the state which demands extradition,"[87] according to one authority. Thus, a lack of coherent, harmonized penalties in national wildlife laws in the ASEAN region creates safe havens and easy means to escape penalties.

Another aspect of dual criminality is that an individual can be charged for two different crimes for one act. While it is recommended that dual criminality laws be harmonized regionally, the United Nations Convention Against Corruption of 2014, signed by all AMS, provides policies and guidelines that can be a useful tool for states dealing with cross-jurisdictional cases.

Among AMS, best practice on this issue is:

- Indonesia. Act No. 1 of 1979 on Extradition
- Philippines. Anti-Money Laundering Act, as amended 2012
- Thailand, Extradition Act B.E., 2551(2008)

Online wildlife trading

Wildlife trafficking, like many other markets, is moving online and organized criminal groups are increasingly using online platforms for the international wildlife trade.[88] The internet has become a forum for interaction between consumers and producers—not on the "dark web," but on regular platforms such as Facebook, e-commerce websites, and online auction sites where wildlife products are openly sold online. A 2016 study found little evidence of illegal wildlife trade on the dark web, likely because lax enforcement on the mainstream web renders such obfuscation unnecessary[89], but by 2017 INTERPOL had found limited but significant advertisements offering rhino horn products, ivory, and tiger parts[90]. The use of online media platforms is problematic as they open the wildlife market to many more consumers, expanding the overall market. Suppliers have easier access, cross-borders and cross-continents. To counter this, governments should monitor the scale of trade online and legislate against online sales, as well as investigate the individuals and companies involved in such trade.[91]

One aspect of online crimes that increases the complexity of investigation is the issue of jurisdiction of the commission of the crimes. Poaching, advertising, transporting, possession of the illegal wildlife, the perpetrator, the transaction, and the physical location of each the above, which all could be in different countries, becomes a multi-jurisdiction practical and legal labyrinth. It is crucial that national laws be updated to keep up with trends to ensure that wildlife are adequately protected and opportunities for wildlife crime are reduced. This will require, at a minimum, wildlife enforcement agencies' coordinating with the cybercrime agencies of their own and all other affected countries.

[86] Article 16, §1, United Nations Convention against Transnational Organized Crime.
[87] Williams, S. (1991). The double criminality rule and extradition: A comparative analysis. *Nova Law Review*, *15*(2), 581-624. http://dx.doi.org/10.1017/s0021223700016964
[88] UNODC. 2020. *World Wildlife Crime Report. Trafficking in protected species*. p. 25. https://www.unodc.org/unodc/en/data-and-analysis/wildlife.html.
[89] Harrison, J. R., Roberts, D. L. and Hernandez-Castro, J. (2016), Assessing the extent and nature of wildlife trade on the dark web. Conservation Biology, 30: 900–904.
[90] INTERPOL. 2017. Research identifies illegal wildlife trade on the Darknet. 14 June. https://www.interpol.int/en/News-and-Events/News/2017/Research-identifies-illegal-wildlife-trade-on-the-Darknet
[91] Environmental Investigation Agency. 2016. Time for action, End the criminality and the corruption fueling wildlife crime. November 2016.

Only a few countries have adapted their wildlife-specific laws to accommodate the growing relevance of the internet. China, Portugal, the Czech Republic, France, Mongolia, and the United Kingdom have expressly criminalized illicit wildlife trade online.[92]

China's Wildlife Protection Law of 2017 not only prohibits advertising online, but it also seeks to hold the media platform responsible.[93]

In the United Kingdom, the Control of Trade in Endangered Species Regulation 2018 requires that the reference number of the CITES certificate granted under the said regulation be included in any advertisement for the sale of the specimen.

Eight of 10 AMS identified online wildlife trade as a significant challenge (see section 5.1.1).
Among AMS, best practice on this issue is:

- Philippines. The Cybercrime Prevention Act prescribes penalties for selling goods without, or any goods that are prohibited.
- Thailand. The Wildlife Conservation and Protection Act 2019 includes broadcasting, advertising, or presenting via television, radio, print, computer system, or any media for commercial purposes is included in the definition of trade. This quite effectively legislates against illegal trade of wildlife online or through any other media.

Rapid Reference Guide on Applicable Offenses to Trafficking Of Critically Endangered Species

The Rapid Reference Guide (RRG) on Applicable Offenses to Trafficking Of Critically Endangered Species in Thailand was developed by Thailand's Office of the Attorney General together with law enforcement agencies including the Department of National Parks, Wildlife and Plant Conservation, Royal Thai Police Natural Resources and Environmental Crime Suppression Division, Royal Thai Customs Department, Anti-Money Laundering Office, and the Office of the National Security Council.[94]

Transnational organized crime threatens wildlife populations, and the activities of criminal networks fuel global corruption, undermine the rule of law, and harm local communities. The RRG helps to administer criminal justice, enforce the law, and pursue organizational excellence in the fight against wildlife crime. The tool helps investigators and prosecutors conduct proceedings against criminals, and is applicable at both national and provincial levels. It further serves to encourage cooperation and collaboration among law enforcement, especially where there is an international element to the crimes in question. Strengthening partnerships to enhance the flow of information and the sharing of resources is critical to disrupting global criminal syndicates responsible for trafficking in highly lucrative illegal wildlife products such as elephant ivory, rhino horn, pangolin meat and scales, and tiger products.

The RRG contains brief descriptions of all specialized laws/regulations as well as ancillary statutes, such as anti-money laundering, tax evasion and anti-corruption. The document is designed to help investigators, case managers and prosecutors build an evidential case against those accused of wildlife and related crimes. It is primarily a tool for prosecutors and wildlife crime investigators in Thailand, but is also an important reference for the broader law enforcement community working together to combat nature crimes and bring criminals to justice. The RRG serves agencies such as the Office of the Attorney General, Department of National Parks, Wildlife and Plant Conservation, Royal Thai Police, Customs, Anti-Money Laundering Office, and the Office of the National Security Council.

[92] Wingard, J. and Pascual, M. (2018, July). Catch me if you can – Legal challenges to illicit wildlife trafficking over the internet. The Global Initiative Against Transnational Organized Crime. http://globalinitiative.net/legal-challenges-to-preventing-iwt-online/.
[93] Articles 31 and 32 Wildlife Protection Law of the People's Republic of China 2017
[94] With support from USAID, WWF, and Freeland. https://www.usaidwildlifeasia.org/rrg/en

Other important end-users include international organizations and NGOS supporting law enforcement efforts, as well as academic institutions providing instruction on legal issues related to wildlife crime.

3.4 SUSTAINABILITY AND FUNDING MECHANISM

Conservation fund for wildlife law enforcement

Insufficient funding is a significant impediment to CITES enforcement.[95] Various solutions have been proposed for this issue, one of which is the creation of a national or regional fund to which proceeds seized from wildlife criminals would, in part or in whole, go. Appropriate funding is necessary to effectively deter crime—to pay for enough officers to conduct investigations, seizures, and proceedings; to fund the protection of wildlife sanctuaries and other areas where hunting is prohibited; to establish rescue centers for seized animals; and to reward informants. Furthermore, if proceeds from the fund are derived from seizures in wildlife crime or fines levied on criminals, this would ensure a cyclical, self-sufficient, and functioning enforcement mechanism, which could eventually be removed from government funding. Additional sources of funding could arise from successful collaboration between wildlife law enforcers and anti-money laundering agencies, where an element of wildlife crime is present.

In the United States, the Multinational Species Conservation Fund Semipostal Stamp Act of 2009 provides a way for the general public to contribute to the fund by buying the wildlife stamp from which proceeds are deposited to the fund. The Endangered Species Act of 1973 enables a special fund known as the Cooperative Endangered Species Conservation Fund, which is used to assist states in the development of programs for the conservation of endangered and threatened species.

Both sources of funding, from criminal recoveries and voluntary contributions through sales, could be incorporated into national legislation to ensure both public and governmental contributions.

Please refer to the USAID Wildlife Asia monograph, *The Principles of Wildlife Conservation Funds and Restitution,* for further discussion.[96] This monograph introduces the concept of establishing a wildlife conservation fund and the principles of restitution as a method of funding wildlife enforcement efforts. The paper includes discussions on the purpose of a wildlife conservation fund, how it can be funded, examples of such conservation funds, the status in the ASEAN region, and recommendations. It was prepared as part of USAID Wildlife Asia's Thailand CWT Legislative Frameworks and Policy Reform Recommendations Package being developed for the National Legislative Assembly of Thailand and the AIPA.

Among AMS, best practice on this issue is:

- Philippines. Section 29 of the Wildlife Resources Conservation and Protection Act provides for the creation of a Wildlife Management Fund derived from fines imposed, and damages awarded, fees, charges, donations, endowments, administrative fees, or grants in the form of contributions. Section 142 of the Fisheries Code similarly provides for a Fisheries Management Fund to conserve, preserve, and protect, manage, develop, and regulate fishery and aquatic resources.

[95]Douglas, F. (2012). Reducing illegal wildlife trafficking: CITES and caviar. *Environmental Policy and Law*, 42(1), 57–63. Envtl. Pol'y & L. 50 2012 Provided by: Aix Marseille University, Reducing Illegal Wildlife Trafficking - CITES and Caviar by Frances Douglas https://search.proquest.com/openview/72042422e97a0d58d302040893a213b9/1?pq-origsite=gscholar&cbl=33885.

[96] USAID/ AIPA Secretariat, November 2017. The Principles of Wildlife Conservation Funds and Restitution – Additional Remedy to Wildlife and Forest Offences. http://www.aipasecretariat.org/webassets/file/file_management_1521102037.pdf

3.5 INCENTIVES AND COMPENSATION

Effective rewards systems for enforcers

Proactive policies to combat wildlife crimes are essential; reactive policies applied after the crime do not always help the wildlife. Frequently, following seizures and forfeitures, animals cannot return to the wild because they are too ill, domesticated, or too weak. This means the crime's impacts are often irreversible and rescue centers for seized animals have high costs. This can make officers reluctant to seize animals, knowing the difficulties and lack of appropriate areas for them. By being proactive, law enforcement can ensure that animals can remain in the wild without detrimental impact, which will also decrease the costs to the government.

An effective way to be proactive in preventing wildlife trafficking is to seek out information from an informant. A significant incentive is required, however, to encourage the transfer of information and number of informants.[97] Various countries have introduced differing ways to fund informant rewards. The U.S. Lacey Act stipulates that the information must lead to an arrest or criminal conviction, and then the Secretary of the Interior or the Secretary of the Treasury determines the amount of the reward amount. Nepal's National Parks and Wildlife Conservation Act [98] provides that the government issues the reward, and that the amount depends on the type of animal poached so that protection of the most endangered species results in greater monetary rewards.

Among AMS, best practice on this issue is:

- Malaysia. Section 51 of the International Trade in Endangered Species Act and Section 53 and 54 of Wildlife Protection Ordinance 1998 provides for rewards for services rendered in connection with the detection of any offense under the Act and with any seizures and Section 50 provides protection for informants.

The national laws of four other AMS provide for rewards or other incentives for informants:

- Cambodia. Article 92 of the Forestry Act provides incentives for those who participate in supressing certain offenses;
- Lao PDR. Article 66 of the Wildlife and Aquatic Law provides for incentives for those who assist in implementing the law;
- Singapore. Section 13 of the Wild Animals and Birds Act stipulates that a court may direct any fine, or portion of any fine, imposed to be paid to the informer;
- Thailand. Section 108 of the Wild Animals Conservation and Protection Act stipulates that a court may payment of an arrest award to an informant. The maximum award is half of the fine imposed by the court, to be paid when there is a final decision in the case.

Restitution

Wildlife crimes are notorious for resulting in negative environmental externalities,[99] including the destruction of wildlife and forest, the costs of housing and caring for rescued animals, and rehabilitation and/or restoration of wildlife and/or damaged forest habitats. [100] The costs incurred impact governments: costs of rescue centers, costs of compensating citizens who may have lost crops or income, and costs to society as a whole because it is affected by changed ecosystems through disease outbreaks, for example.

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[97] Funk, W. (2017). *Making it easier and safer for informants to turn in wildlife criminals*. *Ensia*. Retrieved 13 December 2017, from https://ensia.com/features/wildlife-whistleblower/

[98] http://www.lawcommission.gov.np/en/archives/13512

[99] *An economic concept describing the process when consequences from an economic activity impacts an unrelated third party. Negative externalities*. (2017). *Economicsonline.co.uk*. Retrieved 19 December 2017, from http://www.economicsonline.co.uk/Market_failures/Externalities.html

[100]. USAID/ AIPA Secretariat, November 2017. The Principles of Wildlife Conservation Funds and Restitution – Additional Remedy to Wildlife and Forest Offences. http://www.aipasecretariat.org/webassets/file/file_management_1521102037.pdf

In light of these costs, it is reasonable to expect criminals to pay—literally—for their crimes. Under the U.S. Lacey Act, the perpetrator is liable for any economic damage resulting from the offense, including loss of food production or farm income. The U.S. Mandatory Victims Restitution Act establishes a key innovation: that restitution can be in addition to criminal penalties, and if the victim is deceased, restitution should go to the victim's estate.

Another key innovation comes from Canada's British Columbia Wildlife Act, which introduces the idea of "creative sentencing."[101] Under creative sentencing, a court may direct the perpetrator to—at the same time and separate from the criminal proceedings—provide restitution in the form of performing community service, pay money to the court, or prohibit the person from engaging in acts that may lead to the repetition of such crimes, and similar additional restitutions that the court may deem fitting for the crime. The purpose is to combine punishment (confiscation of property, fines, and imprisonment) with environmental protection, funding of victim compensation, and assistance programs, which constitute the remedy of restitution.

3.6 ENHANCING DETERRENT EFFECT OF PENALTIES

Penalties: Minimum imprisonment and fines

Punishment for wildlife crimes is highly dependent on prosecutorial discretion and whether a judge views the crime seriously.[102] It is a reality that courts often hand down a reduced or suspended sentence, so that in many cases an offender may avoid facing a jail term because of the nature of wildlife crimes .[103] Many of those prosecuted for offences in contravention of wildlife legislation escape with fines that are meagre in comparison to the profits accrued[104] and the damage done).

Among AMS, limited sanctions are also enabled by the lack of minimum imprisonment terms in the domestic legislation of six AMS and by a lack of knowledge of the impacts of wildlife crime. As of the second quarter of 2021, the AMS that impose minimum imprisonment terms are Lao PDR, Myanmar, Philippines, and Vietnam. Six AMS stipulate minimum fines for wildlife-related crimes; the countries that do not are Brunei, Indonesia, Malaysia, and Singapore. See section 5.2.2 and Table 7 - ASEAN Regional Comparison of Imprisonment Terms and Table 8 - ASEAN Regional Comparison of Fines in section 2.2.3 for detailed information on the differences in penalties among AMS.Because so many AMS share borders and so many species are native to two or more AMS, it is important to harmonize penalties regionally. The lack of consistency in penalties means that some AMS become safe havens and prominent trafficking hubs. Both imprisonment and fines act as deterrents to wildlife crime. If these are enhanced to be significantly costly to criminals, it would change the perception of wildlife crime as low-risk and high-reward.[105]

Penalties for legal entities/corporate bodies and liability of directors and officers

When a crime is committed by a legal entity or corporate body, the main issues are how to ensure the penalties are adequate and maintain a deterrent effect, and how to hold the individual perpetrators within the legal entity accountable, ensuring they cannot hide behind the corporate veil.

[101] Section 84.1, Wildlife Act [RSBC 1996] Chapter 488.
[102] Douglas, F. (2012). Reducing illegal wildlife trafficking: CITES and caviar. Environmental Policy and Law, 42(1), 57–63. Envtl. Pol'y & L. 50 2012 Provided by: Aix Marseille University, Reducing Illegal Wildlife Trafficking - CITES and Caviar by Frances Douglas. .
[103] DLA Piper Report: Empty Threat 2015: Does The Law Combat Illegal Wildlife.
[104] Environmental Investigation Agency. 2016. Time for action, End the criminality and the corruption fueling wildlife crime. November 2016.
[105] Environmental Investigation Agency. 2016. Time for action, End the criminality and the corruption fueling wildlife crime. November 2016.

For penalties to be effective, the fines should be higher so that they have a significant impact on the entity's financial statement, which in turn holds the executive management accountable to the board of directors and shareholders). The directors and/or officers of a legal entity must be held individually accountable and therefore liable to suffer both fines and, more importantly, imprisonment.

Seven AMS provide for corporate liability:

- Brunei. Sections 47-49 of the Wild Flora and Fauna Order provide for a body corporate to be fined but do not provide for penalizing corporate officers;
- Cambodia. Article 23 of Sub-Decree No. 53/2006 on CITES implementation provides that organizations are subject to penalties under the Forestry Law, which provides in Article 86 that employers are penalized for offenses committed by employees. Under Article 97 of the Forestry Law, there is no fine for trading and exporting endangered species, which means that there is no statutory penalty for organizations committing these violations;
- Lao PDR. Articles 88 and 89 of the Penal Code stipulate that the fine for a legal person is double the fine for an individual and specifies that criminal liability of the legal person does not exclude criminal liability for the individual who committed the offence;
- Malaysia. Sections 45 and 46 of the International Trade in Endangered Species Act stipulate that a corporate body and any officer may be penalized for a violation of the Act and shift the burden of proof to the accused;
- Singapore. Section 20 of the Endangered Species Act provides that a body corporate or partnership and an officer or partner may be penalized for a violation;
- Thailand. Section 110 of the Wild Animal Conservation and Protection Act provides that juristic person and an officer may be penalized for an offense.
- Vietnam. Articles 234 and 244 of the Penal Code establish fines for legal entities but do not provide for officers to be penalized.

To effectively counter wildlife trafficking within the ASEAN region, there must be a level of harmonization to ensure that no AMS becomes a hotspot or haven for such activities, as a result of highly uneven penalties for similar offences.

4 Implementation Challenges and Gaps

Wildlife crime involves multiple countries and, in each country, a range of laws and regulations that govern different aspects of each crime – from hunting, import, and export, to organized crime, money laundering and use of the internet for illegal trading. Given the complexity of wildlife crime, it is not surprising that AMS are discovering gaps in their national legal frameworks and facing numerous challenges in implementing the laws in force in their jurisdictions.

4.1 THIS CHAPTER FIRST DOCUMENTS THE CHALLENGES AMS HAVE INDICATED THEY ARE FACING IN COMBATING ILLEGAL WILDLIFE TRADE. THE SECOND PART OF THIS CHAPTER CONSOLIDATES THE GAPS THAT AMS HAVE IDENTIFIED IN THEIR OWN NATIONAL LEGAL FRAMEWORKS AND RELATES THEM TO THE RESULTS OF THE ANALYSIS OF KEY LEGAL PROVISIONS THAT ARE SUMMARIZED IN TABLE 2 – REGIONAL COMPARISON OF KEY PROVISIONS IN ILLEGAL WILDLIFE TRADE, IN SECTION 2.2.2. CHALLENGES

Each AMS identified a range of challenges it faces in combating illegal wildlife trade. A total of 60 issues were listed across all AMS, most of which were common to several countries. The issues can be grouped into 14 general categories.

4.1.1 Cyber wildlife trade

The challenge identified by eight of the 10 AMS is the shift from physical shops to e-commerce, or cyber wildlife trade, particularly on social media platforms. One country noted that widespread illegal trade activity online it is a particular challenge because, under that country's laws, perpetrators must be caught with the contraband. Two countries indicated that intelligence, detection, and investigation of illegal wildlife trade over the internet require greater, and different, enforcement efforts. Another AMS identified the challenge of the lack of capacity for tracking online trade as well as the fact that cyber-crime/trade investigation is not under the jurisdiction of the government authority responsible for wildlife. An obstacle that another country identified is the fact that cyber wildlife trade is not defined in the applicable laws.

4.1.2 Capacity

4.1.3 Eight AMS also identified capacity limitations generally as challenges for their efforts to combat illegal wildlife trade. Three countries cited insufficient staff, one particularly noted the limited availability of national wildlife experts, and one specified that building the management capacity of the wildlife authority is a challenge. One AMS cited a lack of equipment and intelligence networks for investigating inbound and outbound wildlife trade. Another pointed to a lack of financial and physical resources and technical equipment required to conduct effective law enforcement throughout the entire country, especially when donors tend to prefer to focus on individual hotspots. Two other AMS also named funding limitations as a challenge for their implementation and enforcement efforts. One country noted that all aspects of implementing laws governing the domestic wildlife trade in particular are a challenge.

4.1.4 Species identification

Six AMS cited identification of specimens as a challenge. One AMS highlighted that species identification is particularly difficult when the specimens are only parts of an animal. Four countries indicated a lack of technical capacity, and the need for capability enhancement in wildlife identification and forensic skills, and one country specified the lack of laboratories with the necessary equipment. One AMS noted the fundamental difficulty of a lack of fauna population studies as a basis for controlling domestic trade.

4.1.5 Culture, awareness, and livelihoods

Issues related to cultural practices, public awareness, and alternative livelihoods are challenges identified by six AMS. One noted the pressures between economic and social development and nature conservation and another pointed to the challenge of creating economic opportunities through the sustainable use of wildlife resources. Three countries respectively noted the problems of limited public awareness and participation, local cultural practices and beliefs about keeping wild animals as pets, and human-animal conflicts as hurdles to be overcome. One AMS pointed to the reality that individuals and communities that have come to rely on the illegal wildlife trade need alternative sources of income.

4.1.6 Coordination and information sharing

For six AMS, issues related to domestic and international coordination and information sharing are significant challenges. Two AMS generally noted limited cross-sector and transboundary collaboration and the limitations in information-sharing nationally and internationally, while another specified that the lack of, or delays in, response to requests for information and the quality of information provided, impacts effective investigation of wildlife crimes. One noted that strengthening and sustaining interagency collaboration is a challenge and another AMS highlighted creating a central information and intelligence unit for wildlife crime cases at national and regional levels as a challenge. One country pointed out the limitations on sharing best practices and innovations among all AMS.

4.1.7 Borders

Issues related to borders, particularly the common ones that several AMS share, present several challenges for five AMS. One country specified that the challenges are particularly acute because it is an important trade route for wildlife from Africa and other AMS countries to final destination countries. One country generally noted sub-optimal security at ports and borders while another highlighted the use and exploitation of airports and seaports that facilitate wildlife being trafficked through the country. Another AMS noted that, in some border markets, there is essentially no enforcement of national wildlife laws at all.

4.1.8 Confiscated specimens

Three AMS identified challenges in dealing with confiscated specimens. One country indicated that managing the stockpile of confiscated specimens is a particularly big challenge. Wildlife evidence handling is a concern for another AMS, while a third country noted cooperation on disposal of confiscated specimens as an issue.

4.1.9 Economics

The economic aspects of the illegal wildlife trade are an issue for three AMS. Two countries indicated that they lack requirements and methodologies for valuing wildlife while the third noted that assessing the economic losses caused by illegal trade activities is a challenge.

4.1.10 Organized crime

Three AMS find organized crime to be a significant problem in the illegal wildlife trade. One noted that illegal traders always use modern techniques, especially e-commerce, and have good relations with international criminals. Another indicated that it has inadequate resources to track and crack down on well-organized wildlife crime syndicates. The third country stated that the disruption of transboundary wildlife trade networks is urgently needed.

4.1.11 Judiciary

Two AMS noted challenges arising from differing interpretations among judges of the penalty provisions of the principal wildlife law.

4.1.12 Captive breeding

One AMS noted that it lacks procedures for tracking captive breeding of wildlife.

4.1.13 Mutual legal assistance

One AMS highlighted the lack of mutual legal assistance treaties with many countries, and with African countries in particular.

4.1.14 Zoonotic diseases

In the second year of the pandemic, only one AMS identified the international trade in wildlife as a challenge for controlling emerging infectious diseases that originate with wild animals.

4.1.15 National legal frameworks

Gaps in national legal frameworks are the greatest challenge, according to nine AMS. Each AMS highlighted the particular gaps in its own legal framework. Three issues were common to two countries each: (1) the fact that the primary law governing wildlife does not give civil servant investigators sufficient powers to investigate and arrest suspects; (2) the need to review existing penalties and their deterrent effect; and (3) reviewing and harmonizing protected species lists. One country noted its out-of-date wildlife classification. Another specified that its national and sub-national laws need to be harmonized and yet another noted the lack of extension to key stakeholders of its primary law and regulations governing wildlife. One AMS pointed to a lack of measures for providing incentives to informants. One country indicated that it needs a clearer responsibility structure for implementing international conventions.

In the following section, these gaps that AMS identified will be contrasted with gaps revealed by the research on key legal provisions on wildlife trade.

4.2 GAPS

4.2.1 The majority of the gaps that AMS identified in their national legal frameworks were also found in the analysis of key provisions (see Table 2 – Regional Comparison of Key Provisions in Illegal Wildlife Trade, section 2.2.2). These gaps are related to enforcement powers; penalties; species categorization and lists; and rewards.Enforcement powers

All AMS provide for enforcement powers but there are differences from country to country in the extent of the powers and the authorities that are authorized to use them.

The laws of four AMS explicitly provide for all of the enforcement powers specified as necessary for combating wildlife crime: entry; evidence collection; interview/interrogation; search; sampling; seizure; arrest; and confiscation. The wildlife law of one AMS stipulates that an investigator has all police powers and another AMS's CITES implementation Act specifies that an enforcement officer has all powers necessary to carry out an investigation. In three AMS, the Criminal Procedures Codes set out the powers of investigating officers. All three provide the powers to interrogate, search, seize, and arrest; two specify the powers to collect evidence; one grants the power to enter, and one gives the power to confiscate. In three other AMS, both the wildlife law and the Criminal Procedure Code specify enforcement powers. Only one AMS specifies the power to take samples; it is possible that in other jurisdictions this is assumed to be part of collecting evidence. In one AMS, the only enforcement powers specified in the wildlife law are the powers to arrest and to seize.

4.2.2 Penalties

All AMS provide penalties for illegal activities involved in wildlife crimes but the penalties vary widely. Please see Table 9 - ASEAN Regional Comparison of Imprisonment Terms and Table 10 - ASEAN Regional Comparison of Fines in section 2.2.3 for detailed information on the differences in penalties.

Lao PDR is the only AMS that stipulates a minimum threshold for both imprisonment and fines and specifies that wildlife crimes are penalized with both imprisonment and a fine. Cambodia stipulates that wildlife crimes involving animals with the highest level of protection are penalized with imprisonment only but does not specify a minimum threshold for imprisonment; crimes involving animals in other protection categories are penalized with imprisonment and/or a fine. Myanmar specifies imprisonment and a fine as the penalty only for CITES-listed species; for other protected species, the penalty may be imprisonment and/or a fine. Three AMS provide that penalties may be either a fine or imprisonment, or both. Three other AMS specify that penalties are imprisonment and/or a fine. Only one AMS does not assign penalties to correspond with the level of protection assigned to different species. Four AMS provide additional penalties for repeat offenders.

4.2.3 Protected species lists

4.2.4 All AMS list protected species. Categories vary from one country to another and, in the case of Malaysia, between the national and sub-national levels. Two AMS explicitly link their species lists to the CITES Appendices.

4.2.5 Rewards/Incentives

Five AMS provide to some degree for rewards and/or incentives for individuals who contribute to the implementation and enforcement of wildlife laws. Malaysia provides protection for informers.Other gaps identified

Please see Table 2 – Regional Comparison of Key Provisions in Illegal Wildlife Trade, section 2.2.2.

4.2.5.1 Mechanism for review and update of protected species lists

This is related to the issues three AMS identified (see section 5.2.3). Two AMS establish a procedure and/or a frequency for updating their lists of protected species. All other AMS specify the power to change the lists but not how it is done or how often it should be done.

4.2.5.2 Captive breeding

Nine of 10 AMS regulate captive breeding; one of those countries does not assign penalties for illegal captive breeding.

4.2.5.3 Consumption of protected wildlife

Two AMS regulate this issue. One AMS allows traditional use but does not otherwise regulate consumption. Another country lists species for aborigines' consumption but does not actually regulate consumption by any group. The wildlife law of another AMS specifies that consumption will be regulated in a lower-level legal instrument.

4.2.5.4 Exemption for use of protected wildlife as traditional medicine

Three AMS regulate this issue to some degree. One explicitly allows an exemption for medicine made from protected endangered fauna that was legally obtained. Another country's Law on Drugs and Medical Products specifies that the government will issue a list of wild animals that can be used for traditional medicine. In one AMS, the Minister has full discretion to exempt any species for any purpose although it is understood that the Minister acts in full compliance with CITES.

4.2.5.5 Transportation

Six AMS fully regulate domestic transportation of wildlife specimens. One country allows it after quarantine inspection but does not otherwise regulate it.

4.2.5.6 Transit

Five AMS regulate transit of protected wildlife through their countries, subject to a permit. One of those countries prohibits transit of CITES Appendix I species for commercial purposes.

4.2.5.7 Introduction from the sea

Eight of the nine AMS that need to regulate this issue have done so. It does not apply to Lao PDR.

4.2.5.8 Sale of confiscated specimens

This is related to the issues three AMS identified (see section 5.1.7). Three AMS have regulated the disposal of confiscated specimens to prevent them returning to the illegal wildlife trade. Two AMS give the primary wildlife authority discretion to dispose of confiscated wildlife. One allows the release of confiscated wildlife after consultation with the scientific and management authorities. Another country allows the return or release of confiscated wildlife, with no specific reference to sale. One AMS enables the sale of exhibits by court order.

4.2.5.9 Handling procedures for live, confiscated specimens

Only four AMS regulate this issue.

4.2.5.10 Compensation for victims/rehabilitation/costs of repatriation of seized wildlife

Seven AMS regulate some aspect of this key provision. Three countries' laws stipulate that the offender/owner/importer is responsible for all costs of repatriation, transport, and/or release of seized wildlife; one AMS stipulates that such costs are to be paid by the country of origin. Another AMS provides for negotiating the costs of return of any specimen. One country specifies that a dedicated Wildlife Management Fund will be used for these purposes and another provides that the wildlife authority may use service fees for rehabilitation and compensation purposes.

4.2.5.11 Establishment of a conservation fund where proceeds from seized assets of wildlife offenses go to a dedicated fund which can be used by wildlife enforcement agencies

Only the Philippines has enabled such a fund. Four AMS have created conservation funds; the laws that create the funds list the permitted uses of each fund and none of them include enforcement.

4.2.5.12 Animal welfare

Eight AMS regulate animal welfare to some degree. Three AMS prohibit cruelty to any wild animal while one stipulates that the wildlife authority may order any measure necessary to safeguard the health, welfare or safety of any wildlife or class of wildlife. Another country requires humane care for protected species. The other three AMS that regulate animal welfare specify that wild animals must be appropriately cared for when they are in transit and if they have been seized.

4.2.5.13 Liability of legal entity/corporate body, directors and officers

Seven AMS penalize legal entities, corporate bodies and/or their officers and directors for wildlife crimes. Four countries penalize the legal entities only and the other three enable prosecution of officers as well.

4.2.5.14 Automatic fine adjustments to compensate for inflation and to maintain deterrent functions

Only the Philippines provides for this.

4.2.5.15 Appointment of special prosecutor and retained counsel

Only the Philippines provides for this, under the law governing the national protected areas system. The provision applies to any offense committed inside a protected area, including offenses involving wildlife.

5 RECOMMENDATIONS

The best practices discussed in Chapter 4, and especially the ones for which there is no reported experience among AMS, and the challenges and gaps set out in Chapter 5, provide the basis for recommendations for actions that ASEAN can take at the regional level and that individual AMS can take to strengthen their national legal frameworks for combating illegal wildlife trade.

5.1 REGIONAL RECOMMENDATIONS

The best practices discussed in Chapter 4, and especially the ones for which there is no reported experience among AMS, and the challenges and gaps set out in Chapter 5, provide the basis for recommendations for actions that ASEAN can take at the regional level and that individual AMS can take to strengthen their national legal frameworks for combating illegal wildlife trade.

The recommendations that follow could be acted on in two ways: AMS could make coordinated, concerted efforts to work together to implement them concurrently at national level; and/or ASEAN could consider the possibility of adopting a regional agreement on combating wildlife trade to provide a regional framework for national action.

5.1.1 Regional harmonization of species lists and penalties

Justification for regional harmonization is based on the fact that all AMS are Parties to CITES and thus share the same obligations with respect to international trade in endangered species, and that illegal wildlife trade impacts all three of ASEAN's pillars – political-security, economic, and socio-cultural.

5.1.1.1 Species lists

National lists of protected species in each AMS should implement CITES by explicitly incorporating the CITES Appendices to ensure that all CITES-listed species receive the same level of protection from trade across all AMS, whether or not they are native to an AMS. Incorporating the CITES Appendices into the national legislation of each AMS would achieve regional harmonization of protected species lists. If all AMS were link their protected species lists to the CITES Appendices, which are immediately available in their entirety as amendments are made, it also would eliminate confusion that may arise domestically and regionally from intermittent amendments to protected species lists at national level.

ASEAN could consider adopting a regional list of protected species, using the CITES Appendices as a basis, that also incorporates all species requiring protection in individual AMS that may not be listed in CITES Appendix III, and would apply to all AMS. Such a regional list would have to be updated at specified intervals with the participation of experts from each AMS, and the complete, updated list issued at regional level. Individual AMS could integrate the regional list into their national legal frameworks. The existence of a reliable regional list would need to be accompanied by regional guidance on recognizing species that are native to AMS, whether or not they are CITES-listed.

5.1.1.2 Penalties

Harmonizing penalties regionally is important because so many AMS share borders and so many species are native to two or more AMS. Table 11 - ASEAN Regional Comparison of Imprisonment Terms and Table 12 - ASEAN Regional Comparison of Fines in section 2.2.3, and section 5.2.2 illustrate and explain the significant disparities in imprisonment terms and fines among penalties across AMS. These disparities provide an incentive for criminals to seek out the jurisdictions where they are least

likely to be penalized severely, or at all. The growing online wildlife trade, which makes it possible for organized illegal traders to operate in several different jurisdictions to commit one crime, is another reason to ensure that penalties are consistent across all AMS. Harmonizing penalties must be done at the national level because AMS's legal frameworks stipulate penalties in different laws – some specified penalties in their wildlife laws while others set penalties in their Criminal/Penal Codes. It is also important to harmonize penalties for corporate entities and for organized groups, which are increasingly responsible for wildlife crime.

AMS should also consider extending the concept of the polluter pays principle to wildlife law and require convicted offenders to pay all costs of housing, caring for, and releasing or repatriating wildlife that have been seized, as well as the costs of rehabilitating and/or restoring wildlife habitats that were damaged in committing wildlife crimes.

5.1.1.3 Dual criminality and extradition

All AMS establish requirements for legal import and export of protected wildlife, but all AMS do not regulate re-export, introduction from the sea, transit, captive breeding, and use of protected wildlife in traditional medicine. These regulatory gaps among AMS and the lack of dual criminality could make it impossible to extradite an offender from one AMS to another or to or from a country outside the region. Harmonizing the coverage of key provisions in laws that are the basis for combating illegal wildlife trade can facilitate transboundary enforcement. Related to the establishment of dual criminality is the issue of recognizing violation of foreign laws as a predicate offense under national law, which is particularly important in the context of online trading. This ensures that if a crime is committed in another AMS, or in a country outside the region, it can still be charged in the AMS in which the perpetrator is found.

AMS should also make use of the updated 2019 ASEAN Model Extradition Treaty and ensure that each AMS has such a treaty with all other AMS to support combating illegal wildlife trade.

5.1.1.4 Online trading

Because online trading, by its nature, frequently involves accomplices in more than one jurisdiction, its regulation is an issue that ASEAN should consider for regional action. This should be somewhat less complicated than, for example, harmonizing penalties because few AMS have regulated online wildlife trade as of 2021. Eight out of 10 AMS have identified it as a significant issue, indicating a consensus that the issue must be regulated and a regional framework could provide the basis for further regulation by individual AMS.

5.2 AMS-SPECIFIC RECOMMENDATIONS

The regional recommendations in section 6.1, above, will require action by each AMS. The sub-chapters for all AMS in Chapter 3 list the gaps identified in national legislation that should be reviewed and addressed. Those lists may be read as recommendations for action by each individual AMS and are not repeated in this chapter. Most AMS have also highlighted gaps in their national legislation, of which they are already aware; those are also not repeated in this chapter.

Additional issues that AMS should integrate into their national legislation are:
Appointment of specialized prosecutors. Only the Philippines enables the appointment of special prosecutors for crimes involving wildlife under specified circumstances. Indonesia provide for special prosecutors and special courts for fishery crimes, but not for other wildlife. All AMS should consider creating specialized prosecutors for environmental crimes generally and for wildlife crimes in particular.

Enabling community participation in enforcement. Several AMS have highlighted activities underway in their countries that involve communities in combating wildlife crime (see country sub-chapters in Chapter 3) but only the Philippines statutorily enables training and deputizing community members as wildlife enforcement officers. All AMS should consider creating legal mechanisms that would provide training and opportunities for community members to officially support wildlife law enforcement.

Financing wildlife law enforcement. Only the Philippines has created a wildlife conservation fund which can be used to finance law enforcement. Viet Nam allows a percentage of fines to be used for activities that include enforcement but does not create a specific fund for this purpose. Four other AMS have created conservation funds and specified the uses to which those funds may be put – none of the laws creating those funds lists support for enforcement as a permitted purpose. All AMS should consider creating wildlife conservation funds, or amending legal instruments currently in force to specify that existing conservation funds may be used to support wildlife law enforcement. One potential source of income for funds supporting wildlife law enforcement is the recovery of the proceeds of crimes involving wildlife.

Incentives for enforcement. Five AMS provide for some type of incentive for informants and other individuals who support wildlife law enforcement. Malaysia provides legal protection for informants as well as a reward. The four AMS that already offer incentives for enforcement and the five AMS that do not reward support for wildlife law enforcement at all should consider following Malaysia's example.

5.3 ONE HEALTH AND ILLEGAL WILDLIFE TRADE

The ASEAN One Health agenda should promote effective prevention of zoonotic disease drivers associated with unsafe and unsustainable wildlife use, consumption, and trade. Ecological security agenda should be a main objective of One Health collaborations, putting attention to insecurity or fragility of biodiversity, and to achieve balance where for instance wildlife use and consumption must still be allowed. One Health policies, plans, and programmes encompassing wildlife management are needed. Efforts such as expanding, institutionalizing, and strengthening regional and country multisectoral One Health mechanisms must be pursued now, ensuring adequate inclusion of wildlife management stakeholders. Activities in One Health should be situated within the broader global initiative on Preventing the Next Pandemic (PnP) and the strategic components of the Tripartite Guide to addressing zoonotic diseases. One Health initiatives relating to IWT should be contained in a roadmap for combating IWT through a One Health approach (Chapter 2.3).

6 APPENDICES

A.1. KEY PROVISIONS IN ILLEGAL WILDLIFE TRADE: A SHORT DESCRIPTION

The key provisions[106] below address aspects of wildlife trafficking, such as hunting, trading, importing, exporting, re-exporting, moving, possessing, obtaining and consuming wildlife. They identify elements of such offenses and go beyond the four basic requirements of CITES on national legislation compliance.

	KEY PROVISIONS (KP)[107]	SHORT DESCRIPTION
KP-1	Interagency national task force mandated to implement/enforce wildlife laws and other associated laws relevant to combating wildlife trafficking	Countering wildlife trafficking, especially those crimes involving transnational organized crime, requires the cooperation of different agencies in charge of diverse areas of enforcement. For the different agencies to work together effectively to combat trafficking, it is crucial that a national task force be mandated by legislation to coordinate, collaborate, implement, and enforce the different law areas.
KP-2	Wildlife trafficking is a serious crime as defined under section 2(b) of the UN Convention Against Transnational Organized Crime (UNTOC), punishable by at least 4 years imprisonment or a more serious penalty or by law[108]	In light of the expanding illegal wildlife trade, it is important to qualify wildlife crimes as serious both nationally and regionally. All AMS are Parties to UNTOC and most have legislation or stipulations in place stating the severity of wildlife crimes. At least 4-year imprisonment sentence is required to qualify as a serious crime under UNTOC. Although all AMS are Parties to UNTOC, a great disparity still exists in imprisonment terms. For example, while Singapore has a maximum sentence of 2 years for five key wildlife crimes, all other AMS have maximum penalties of at least 4 years, Indonesia, Malaysia, Myanmar, and Thailand have maximum penalties of 10 years, and Vietnam has maximum penalties of 15 years.
KP-3	CITES non-native species	Multiple national wildlife protection laws may have existed before a country became a part of CITES. The process of adapting existing national legislation to international CITES commitments can be challenging, as many CITES-protected species may not be protected under national laws. At the regional level, the lack of regional harmonization of protected CITES lists and the

[106] Adapted from *Scaling Efforts to Counter-Wildlife Trafficking Through Legislative Reform - A Selection of Best Practices, Key Innovations and Model Provisions (USAID/AIPA 2019)]*
[107] The description and terms used in this column are generic and should be read in conjunction with the definitions of terms used in the specific laws reviewed. For example, protected wildlife described in this column include other categories of wildlife as defined in the specific laws.
[108] Section 2(b) UNTOC is available at https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/united_nations_convention_against_transnational_organized_crime_and_the_protocols_thereto.pdf

	KEY PROVISIONS (KP)[107]	SHORT DESCRIPTION
		non-inclusion by AMS of certain non-native but severely endangered species on the CITES list is a significant limitation on legislation' effective ability to sanction and prevent wildlife crime. To curb the wildlife trafficking market on the supply side and, consequently, overall, the AMS should harmonize the list of protected species to avoid creating hot spots for wildlife traffickers.[109]
KP-4	Mechanism for review and update of protected species list	The CITES process of classifying species into Appendices I–III is well established and accepted by the parties. Although all AMS are parties to CITES, many do not have a formal or adequate mechanism to review and update the list of protected species. In the absence of a working mechanism, we recommend that the law provide for an automatic adjustment of the national protected species list to the prevailing CITES list.
KP-5	Hunting of wildlife	This addresses the frontline of enforcement—Illegal hunting at the source. An interesting consideration is a provision that deals with illegal hunting of protected species overseas.
KP-6	Captivity breeding	The existence of a legal trade would inevitably encourage illegal trade. In the case of captive breeding, the risk of laundering wild specimens is a real threat. Provisions should ensure that proper records of stocks and transactions be kept and updated. Consider DNA and microchip records. Laundering of wild species must be duly penalized.
KP-7	Illegal trade of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	CITES defines 'trade' as defined import, export, re-export, and introduction from the sea. Only two AMS use the CITES definition; others define trade separately from the acts of import, export, re-export, and introduction from the sea, and some do not define 'trade' at all. All commercial activities, including sale, purchase, advertising, offer for sale, and display should be addressed. Provisions should also deal with both domestic and international trade.

[109] This suggestion comes from the conclusion of the ASEAN Wildlife Enforcement Network *Handbook on Legal Cooperation to Combat Wildlife Crime*. The regional unification of laws regarding the inclusion of non-native species—specifically CITES Category 1—was Objective 1 of the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora, 2005–2010. While progress has been made in terms of a harmonization of laws regarding the CITES Category 1, it is essential to push further for the inclusion of Category II and III as well (ASEAN Wildlife Enforcement Network, 2016, p. 31). The handbook is available at http://www.aipasecretariat.org/webassets/pdf/10.pdf.

	KEY PROVISIONS (KP)[107]	SHORT DESCRIPTION
KP-8	Illegal online trade of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	With the advent of online social/commercial platforms (e.g., Facebook/Alibaba), including online messaging services, such as WeChat, WhatsApp, and Facebook messenger, the illegal wildlife trade has migrated to these mediums. This also means that online crime has become borderless. Investigating online crimes is complex; it includes issues of jurisdiction of the commission of the crimes, including poaching, advertising, transporting, transacting, and possessing the illegal wildlife, as well as perpetrator's location and the physical location of all the above (which all could be in different countries). Therefore, this becomes a multi-jurisdiction practical and legal labyrinth. It is crucial that the laws keep up with such trends and adequately protect wildlife legislation. This will require at the minimum, wildlife enforcement agencies' coordination with the advertising and cybercrime agencies of all affected countries.
KP-9	Illegal consumption and use of protected wildlife	Many laws focus on the supply of illegal wildlife and not the consumption; only 4 AMS regulate consumption. Making the consumption of protected wildlife illegal will help close a significant gap in the enforcement continuum.
KP-10	Transportation of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	Transportation (in this case we refer to transportation within national borders) of illegal wildlife is an important provision to ensure that wildlife successfully trafficked into the country remains illegal and, hence, transporting such wildlife shall also constitute an offense.
KP-11	Import/export of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	This KP is one of the elements of trade under CITES. Forgery or fraudulent CITES documentation and counterfeits should also be addressed in these provisions.
KP-12	Re-export of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	This KP is one of the elements of trade under CITES. Forgery or fraudulent CITES documentation and counterfeits should also be addressed in these provisions.
KP-13	Transit of wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	As many of the AMS are part of the transit route for wildlife trafficking, transit should be covered in tandem with import/export/re-export to ensure the traffickers do not fall through this loophole. Only 4 AMS regulate transit. Forgery or fraudulent CITES documentation and

	KEY PROVISIONS (KP)[107]	SHORT DESCRIPTION
		counterfeits should also be addressed in these provisions.
KP-14	Introduction from the sea of marine wildlife species, live animals, dead animals, trophies, animal parts, and products made from wildlife	This KP is one of the elements of trade under CITES. It is is defined in the Convention [Article I, paragraph e] as "transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State". Forgery or fraudulent CITES documentation and counterfeits should also be addressed in these provisions.
KP-15	Illegal possession of protected wildlife	This provision ensures that wildlife successfully trafficked into the country remains illegal and, hence, possession of such illegal wildlife shall also constitute as an offense. All AMS regulate possession.
KP-16	Enforcement powers: entry, evidence collection, interview/interrogation, search, sampling, seizure, arrest, and confiscation	The provisions on enforcement powers are relevant to ensure that law enforcers are properly and adequately empowered to conduct their duties. Provisions include powers of entry, evidence collection, interview/interrogation, search, sampling, seizure, arrest, and confiscation. In certain AMS, this is referred to the criminal procedure code.
KP-17	Sale of confiscated specimens	This provision is highlighted as the sale of confiscated specimens. It is counterproductive to counter-trafficking efforts because it circulates illegal wildlife into the market and encourages possession, use or consumption of such wildlife. We recommended that sale of confiscated specimens not be allowed. The majority of AMS regulate this.
KP-18	Handling procedures for live, confiscated specimen	A specific issue in the handling of live specimens is the legal requirement that many AMS must keep specimens for a specified period of time, sometimes up to 5 years, as evidence (usually pursuant to the criminal procedure code, which in its drafting did not anticipate live evidence) until the conclusion of the investigation and/or trial. This can take a long time and creates a number of difficulties, including not having adequate facilities or experts to keep such animals, especially non-native species requiring special care or living conditions and species that do not survive in captivity. This unnecessary situation can be remedied by legislation that ensures live specimens are not required to be retained as evidence, provided proper documentation of the seizure is recorded in accordance

	KEY PROVISIONS (KP)[107]	SHORT DESCRIPTION
		with the law of evidence and criminal procedure code. The animals should then be promptly rehabilitated, released, and/or repatriated.
KP-19	Compensation for victims/rehabilitation/costs of repatriation of seized wildlife	Provisions that hold perpetrators liable to compensation, rehabilitation, and repatriation costs of enforcement shall ensure that the cost and damages incurred are properly compensated by those accountable.
KP-20	Reward for informants	This provision ensures that informants are rewarded for providing useful information/intelligence that will lead to successful arrest and prosecution of wildlife criminals.
KP-21	Establishment of conservation fund where proceeds from seized assets of wildlife offenses go to a dedicated fund, which can be used by wildlife enforcement agencies	Insufficient funding is a significant impediment to CITES enforcement (Douglas, 2012).[110] Various solutions have been proposed for this issue, one of which is the creation of a national—or regional—fund in which proceeds from seized wildlife crimes would in part, or in whole, go into the fund. Appropriate funding is necessary to effectively deter crime through employing enough officers to conduct investigations, seizures, proceedings, for the protection of wildlife sanctuaries or hunting forbidden zones, to establish rescue centers for seized animals, and to be employed as rewards to informants. Furthermore, if proceeds from the fund are derived from seizures in wildlife crime or fees to criminals, this would ensure a cyclical self-sufficient and functioning enforcement mechanism, which could eventually remove itself from government funding.
KP-22	Animal welfare	Wildlife that are trafficked usually suffer horrendous conditions as they are hidden to avoid detection. Such conditions include suffocation, starvation, dehydration, physical injuries, and death. Having robust animal welfare law will lend an extra hand in ensuring that the traffickers are penalized to the full extent of the law.
KP-23	Aiding and abetting; attempt	Wildlife trafficking involves multiple parties, and the line between the main perpetrators and the accomplices are hard to draw, especially in organized crimes. It is important that the offenses of attempts, aiding, and abetting attract the same penalties as the primary offense to effectively deal with organized wildlife crime.

[110] Frances, D. USA: Reducing Illegal Wildlife Trafficking - CITES and Caviar Environmental Policy and Law; Amsterdam Vol. 42, Iss. 1, (Feb 2012): 57-63., https://search.proquest.com/openview/72042422e97a0d58d302040893a213b9/1?pq-origsite=gscholar&cbl=33885.

	KEY PROVISIONS (KP)[107]	SHORT DESCRIPTION
KP-24	Penalties - Minimum threshold and mandatory imprisonment - Penalties corresponding with the species' level of protection	Punishment for wildlife crimes is highly dependent on prosecutorial discretion and whether a judge views the crime seriously (Douglas, 2012).[111] Moreover, courts often hand down a reduced or suspended sentence, so that, in many cases, an offender may avoid facing the actual jail term because of the nature of wildlife crimes (DLA Piper, 2015).[112] Many of those prosecuted for offenses in contravention of wildlife legislation escape with fines that are meager in comparison to the profits accrued[113] and the damages done (EIA, 2016). The limited sanctions are enabled by the lack of minimum imprisonment terms in the distinct domestic legislations of AMS and by a lack of knowledge of the impacts of wildlife crime. Conversely, it is also equally important to have different levels of penalties that correspond with the severity of the crime and do not unduly penalize less severe offenses. For further discussions.
KP-25	Liability of legal entity/corporate body, directors and officers	When a crime is committed by a legal entity or corporate body, the main issues are how to ensure the penalties are adequate, ensure the penalties are a deterrent of future crimes and how the individual perpetrators within the legal entity are held accountable and do not hide behind the corporate veil.
KP-35	Automatic fine adjustments to compensate for inflation and to maintain deterrent functions	Legislation is complex and slow to change. Often, laws do not evolve as rapidly as necessary. Consequently, non-deterrent penalties can arise because legislation does not increase in line with inflation or change in the impact of an area of criminal activity, such as wildlife trafficking.
KP-36	Appointment of special prosecutor and retained counsel	Environmental crime is a specialized area that requires specialized knowledge to successfully investigate and prosecute the perpetrators. Wildlife crime, a subset of environmental crime, requires even more specialized knowledge. Without such specialized knowledge, the successful prosecution of wildlife crime inevitably falls behind that of other higher priority and profile cases (such as human and drug trafficking). A wildlife special prosecutor is an effective way of ensuring that wildlife

[111] Douglas, F. (2012). Reducing illegal wildlife trafficking: CITES and caviar. *Environmental Policy and Law*, 42(1), 57–63. Envtl. Pol'y and L. 50 2012 Provided by: Aix Marseille University, Reducing Illegal Wildlife Trafficking - CITES and Caviar by Frances Douglas. https://search.proquest.com/openview/72042422e97a0d58d302040893a213b9/1?pq-origsite=gscholar&cbl=33885.
[112] DLA Piper: Empty Threat 2015: Does the Law Combat Illegal Wildlife.
[113] Environmental Investigation Agency. 2016. Time for action, End the criminality and the corruption fueling wildlife crime. November 2016.

	KEY PROVISIONS (KP)[107]	SHORT DESCRIPTION
		crimes are considered, effectively prosecuted, and sentenced.
KP-37	Incorporating a provision to institutionalize parliamentary role through oversight	To ensure there is proper oversight by the legislature to monitor the implementation of laws, review the implementing rules and regulations, and ensure the accountability of the executive, wildlife laws should include a parliamentary oversight committee. For suggested model provisions.

A.2. National Legal Frameworks Implementing International Agreements Governing Issues Related to Wildlife Trade

A.2.1 BRUNEI DARUSSALAM

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	
Date of accession: 4 May 1990	
a.	Wild Fauna and Flora Order, 2007
b.	Wildlife Protection Act, Chapter 102
2. United Nations Convention against Transnational Organized Crime (UNTOC), 29 September 2003, Palermo, Italy	
Date of accession: 25 March 2008	
a.	Penal Code, Chapter 22
3. United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria	
Date of ratification: 2 December 2008	
a.	Prevention of Corruption Act, Chapter 131
4. International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)	
Not a Party	
a.	Customs Order, 2006
5. WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	
Date of membership: 1 January 1995	
6. Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	
Date of accession: 28 April 2008	
a.	Forest Act, Chapter 46
b.	Wild Fauna and Flora Order 2007
c.	Wildlife Protection Act, Chapter 102
7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 16 November 1972, Paris, France	
Date of ratification: 12 August 2011	
a.	Antiquities and Treasure Trove Act 1967, amended 1991

8. Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 15 February 2006	
a.	Mutual Assistance in Criminal Matters Order, 2005
9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force) Recommendations, 16 February 2012, Paris, France	
FATF: not a Member Asia Pacific Group on Money Laundering (APG): Member since December 2002	
a.	Criminal Asset Recovery Order, 2012
10. Convention on Cybercrime, 23 November 2001, Budapest, Hungary Date of accession: Not a Party	
11. Biological Weapons Convention (BWC), 10 April 1972, Geneva, Switzerland Date of accession/ratification: Not available. Brunei is a Party	

A.2.2 CAMBODIA

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	
Date of ratification: 4 July 1997	
a.	Law on Enactment Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (NS/RKM/0112/002)
b.	Law on Forestry (NS/RKM/0802/016)
c.	Law on Fisheries (2006)
d.	Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) 2006
e.	Inter-Ministerial Prakas/Declaration on the Implementation and Institutional Arrangement of Food Safety Base on the Farm to Table Approach (Prakas No.UATH.BRK868)
f.	Prakas/Declaration on Classification and List of Wildlife Species No. 020 PRK.MAFF (2007)
g.	Prakas/Declaration on Classifying Additional Wildlife Species into the Annexed Lists of Prakas No. 020 PRK.MAFF dated 25 January 2007 on Wildlife Classification and List of Wildlife Species of the Ministry of Agriculture Forestry and Fisheries (No. 240 PRK.MAFF)
2. United Nations Convention against Transnational Organized Crime (UNTOC), 29 September 2003, Palermo, Italy	
Date of ratification: 12 December 2005	
a.	Law on Anti-Money Laundering and Combating the Financing of Terrorism (2020)
b.	Criminal Procedure Code of the Kingdom of Cambodia
3. United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria	
Date of accession: 5 September 2007	
a.	Law on Anti-Corruption (NS/RKM/ 0410/ 004) (17/04/2010)
b.	Law on Anti-Money Laundering and Combating the Financing of Terrorism (2020)
c.	Criminal Code (2009)
4. International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)	
Date of accession: 28 June 2014	
a.	Law on Customs (NS/RKM/0707/017) (20/07/2007), as amended by Law on Amendment to the Law on Anti-Corruption (NS/RKM/0811/017)
b.	Sub-decree No. 209/2007 on the Enforcement of the List of Prohibited and Restricted Goods
WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	
Date of Membership: 13 October 2004	
a.	Sub-Decree on Phytosanitary Inspection
b.	Inter-Ministerial Prakas/Declaration on the Implementation and Institutional Arrangement of Food Safety Base on the Farm to Table Approach (Prakas No.UATH.BRK868)

6. Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	
Date of ratification: 9 February 1995	
a.	Law on Environmental Protection and Natural Resources Management
b.	Law on Forestry (NS/RKM/0802/016)
c.	Sub-decree on International Trade in Endangered Animal and Plant Species (No. 53ANK.BK) (2006)
d.	Law on Protected Area (2008)
7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 16 November 1972, Paris, France	
Date of accession: 28 November 1991	
a.	Law on Protection of Cultural Heritage (NS/RKM/0196/26)
8. Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 8 April 2010	
9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force) Recommendations, 16 February 2012, Paris, France	
FATF: not a Member Asia Pacific Group on Money Laundering (APG): Member since June 2004	
a.	Law on Anti-Money Laundering and Combating the Financing of Terrorism (2020)
10. Convention on Cybercrime, 23 November 2001, Budapest, Hungary Date of accession: Not a Party	
11. Biological Weapons Convention (BWC), 10 April 1972, Geneva, Switzerland Date of accession/ratification: Not available. Cambodia is a Party	

A.2.3 INDONESIA

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	
Date of accession: 28 December 1978	
a.	Act No. 5/1990 on Conservation of Living Resources and their Ecosystems
b.	Act No. 41/1999 on Forestry
c.	Presidential Decree No. 43/1978 Concerning Ratification of Convention on International Trade in Endangered Species of Wild Fauna and Flora
d.	Government Regulation No. 7/1999 on Preservation of Plants and Animals Species
e.	Government Regulation No. 8/1999 on the Utilization of Wild Plants and Animals Species
f.	Ministry of Forestry Decree No. 447/Kpts-II/2003, Administration Directive for the Harvest or Capture and Distribution of Specimen of Wild Plant and Animals
g.	Ministry of Forestry Regulation No. 19/2005 on Wildlife and Plant Arrangement
h.	Ministry of Trade Regulation No. 50/2013 on Unlawful Export of Natural Plants and Wildlife and Included in the List of CITES
2. United Nations Convention against Transnational Organized Crime (UNTOC), 29 September 2003, Palermo, Italy	
Date of ratification: 20 April 2009	
a.	Act No. 5/2009 on Ratification of United Nations Convention Against Transnational Organized Crime
3. United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria	
Date of ratification: 19 September 2006	
a.	Act No. 7/2006 on Ratification of United Nations Convention Against Corruption
b.	Act No. 28/1999 on Good Governance and Free from Corruption
c.	Act No. 20/2001 on amendment Act No. 31/1999 on Corruption Eradication
d.	Act No. 19/2019 on amendment Act No. 30/2002 on Corruption Eradication Commission
e.	Act No. 46/2009 on Court of Corruption Crime
4. International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)	
Date of accession: 22 August 2014	
a.	Presidential Regulation No. 69/2014 on Ratification of International Convention on the Simplification and Harmonization of Customs Procedures, as amended
b.	Presidential Decree No. 130/1998 on Ratification of ASEAN Agreement on Customs
c.	Customs Act No. 10/1995
5. WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	
Date of membership: 1 January 1995	
a.	Presidential Decree No. 76/2002 on Ratification Protocol 8 Sanitary and Phytosanitary Measures to Implement the ASEAN Framework Agreement on the Facilitation of Goods in Transit

b.	Presidential Regulation No. 28/2014 on Ratification Protocol to Incorporate Technical Barriers to Trade and Sanitary and Phytosanitary Measures into the Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Co-Operation between the Association of Southeast Asian Nations and the People's Republic of China
6. Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	
Date of ratification: 23 August 1994	
a.	Act No. 5/1994 on Ratification of United Nations Convention on Biological Diversity
b.	Act No. 5/1990 on Conservation of Living Resources and their Ecosystems
7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 23 November 1972, Paris, France	
Date of accession: 6 July 1989	
a.	Presidential Decree No. 26/1989 on Ratification Convention Concerning the Protection of the World Cultural and Natural Heritage
b.	Act No. 5/1992 on Cultural Heritage Objects
c.	Act No. 11/2010 on Cultural Heritage
8. Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 4 June 2008	
a.	Act No. 15/2008 Ratification on Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN)
9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force) Recommendations, 16 February 2012, Paris, France	
FATF: Observer Asia Pacific Group on Money Laundering (APG): Member since August 1999	
a.	Act No. 8/2010 on Prevention and Eradication of Money Laundering
10. Convention on Cybercrime, 23 November 2001, Budapest, Hungary Date of accession: Not a Party	
11. Biological Weapons Convention (BWC), 10 April 1972, Geneva, Switzerland Date of accession/ratification: Not available. Indonesia is a Party	

A.2.4 LAO PDR

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora CITES, 3 March 1973, Washington DC, USA	
Date of accession: 1 March 2004	
a.	Wildlife and Aquatic Law No. 07/NA 2007
b.	Forestry Law No. 64/NA 2019
c.	Penal Code No. 26/NA 2017
d.	Decision on the establishment and management of zoos, wildlife farms, centers of rehabilitation and wildlife breeding and plantations No. 0188/MAF 2019
e.	Prime Minister Order No. 5/PMO 2018 on Enhancement of the Strictness in the Administration and Inspection of Legally Prohibited Wild Fauna and Flora
f.	Ministry of Natural Resources and Environment Instruction No. 2806 2016 on wildlife conservation
g.	Government Notification No. 1364 2015 on implementation of CITES
2. United Nations Convention against Transnational Organized Crime UNTOC, 15 November 2000, Palermo, Italy	
Date of accession: 26 September 2003	
a.	Law on Anti-Money Laundering and Counter-Financing of Terrorism No. 50/NA 2014
b.	Decree on Entrust and Responsibilities in Implementing the Activities of AML/CFT No.127/Gov., dated 20 February 2020
c.	Decree on Anti-Money Laundering No. 55/PM 2006
d.	Penal Code No. 26/NA 2017
3. United Nations Convention against Corruption UNCAC, 31 October 2003, Vienna, Austria	
Date of ratification: 25 September 2009	
a.	Anti-Corruption Law No. 27/NA 2012
b.	Penal Code No. 26/NA 2017
International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 Revised Kyoto Convention	
Date of accession 16 July 2016	
a.	Customs Law No. 81/NA 2020
b.	Decree on the Notification and Enquiry of Trade Related Information No. 363/PM 2010
5. WTO Agreement on the Application of Sanitary and Phytosanitary Measures SPS Agreement, 1 January 1995, Marrakesh, Morocco	
Date of membership: 2 February 2013	
a.	Law on Hygiene, Disease Prevention and Health Promotion No. 1/NA 2001
6. Convention on Biological Diversity CBD, 5 June 1992, Rio de Janeiro, Brazil	
Date of accession: 20 September 1996	
a.	Wildlife and Aquatic Law No. 07/NA 2007
b.	Forestry Law No. 64/NA 2019
c.	Environmental Protection Law No. 29/NA 2012

d.	Penal Code No. 26/NA 2017
7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 23 November 1972, Paris, France	
Date of ratification: 20 March 1987	
a.	Law on National Heritage No. 8/NA 2005
b.	Penal Code No. 26/NA 2017
8. Treaty on Mutual Legal Assistance in Criminal Matters ASEAN, 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 25 June 2007	
a.	Criminal Procedure Law No. 1/NA 2004
9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF Financial Action Task Force Recommendations, 16 February 2012, Paris, France	
FATF: Not a member Asia Pacific Group on Money Laundering APG: Member since July 2007	
a.	Law on Anti-Money Laundering and Counter-Financing of Terrorism No. 50/NA 2014
b.	Decree on Anti-Money Laundering No. 55/PM 2006
c.	Penal Code No. 26/NA 2017
10. Convention on Cybercrime, 23 November 2001, Budapest, Hungary Date of accession: Not a Party	
11. Biological Weapons Convention BWC, 10 April 1972, Geneva, Switzerland Date of accession/ratification: Not available. Lao PDR is a Party	

A.2.5 MALAYSIA

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	
Date of accession: 20 October 1977	
a.	International Trade in Endangered Species Act 2008 (Act 686) as at 1 October 2018
b.	Wildlife Conservation Act 2010 (Act 716) as at 1 October 2014
c.	Sabah Wildlife Conservation Enactment 1997 (Enactment No. 6) as at December 2017
d.	Sarawak Wildlife Protection Ordinance 1998 (Chapter 26) as amended up to 2005
2. United Nations Convention against Transnational Organized Crime (UNTOC), 15 November 2000, Palermo, Italy	
Date of ratification: 24 September 2004	
a.	Malaysian Security Offences (Special Measures) Act 2012 (Act 747)
b.	Penal Code (Act 574) as at 1 February 2013
3. United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria	
Date of ratification: **24 September 2008**	
a.	Malaysia Anti-Corruption Commission Act 2009 (Act 694)
b.	Whistleblowers Protection Act 2010 (Act 711) as at 31 August 2016
c.	Witness Protection Act 2009 (Act 696) as at 1 May 2013
d.	Penal Code (Act 574) as at 1 February 2013
e.	Mutual Assistance in Criminal Matters Act 2002 (Act 621) incorporating all amendments up to 1 January 2006
4. International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)	
Date of accession: 30 June 2008	
a.	Customs Act 1967 (Act 235) incorporating all amendments up to 1 January 2020
5. WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	
Date of membership: 1 January 1995	
a.	Prevention and Control of Infectious Diseases Act 1988 (Act 342) incorporating all amendments up to 1 January 2006
6. Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	
Date of ratification: 24 June 1994	
a.	International Trade in Endangered Species Act 2008 (Act 686) as at 1 October 2018
b.	Wildlife Conservation Act 2010 (Act 716) as at 1 October 2014
c.	Sabah Wildlife Conservation Enactment 1997 (Enactment No. 6) as at December 2017
d.	Sarawak Wildlife Protection Ordinance 1998 (Chapter 26) as amended up to 2005
e.	Fisheries Act 1985 (Act 317) incorporating all amendments up to 1 January 2006

f.	National Forestry Act 1984 (Act 313) incorporating all amendments up to 1 January 2006
7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 23 November 1972, Paris, France	
Date of ratification: 7 December 1988	
a.	National Heritage Act 2005
8. Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 1 June 2005	
a.	Extradition Act 1992 (Act 479)
b.	Mutual Assistance in Criminal Matters Act 2002 (Act 621) incorporating all amendments up to 1 January 2006
9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force) Recommendations, 16 February 2012, Paris, France	
FATF: Member since February 2016 Asia Pacific Group on Money Laundering (APG): Member since May 2000	
a.	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act (Act 613) 2001 at as 1 August 2019
b.	Anti-Money Laundering, AntiTerrorism Financing and Proceeds Unlawful Activities (Amendment of Second Schedule) Order 2019
10. Convention on Cybercrime, Budapest, 23 November 2001 Date of accession: Not a Party	
a.	Computer Crimes Act (Act 563) 1997, incorporating all amendments up to 1 January 2006
11. Biological Weapons Convention (BWC), Geneva, 10 April 1972 Date of accession/ratification: Not available. Malaysia is a Party	
a.	Strategic Trade Act (Act 708) 2010
b.	Penal Code (Act 574) as at 1 February 2018

A.2.6 MYANMAR

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	
Date of accession: 13 June 1997	
a.	Conservation of Biodiversity and Protected Areas Law No. 12/2018 (21-5-2018)
b.	Forest Law No. 29/2018 (20-9-2018)
c.	Protection of Wildlife and Protected Areas Rules (24-10-2002)
d.	Freshwater Fisheries Law No.. 1/1991 (4-3-1991)
e.	Law relating to Aquaculture (7-9-1989)
f.	Notification No. 690/2020 for Protected Endangered Wild Fauna in Myanmar (4-3-2020)
g.	Notification No. 691/2020 for List of wild fauna which can be bred commercially (3-6-2020)
2. United Nations Convention against Transnational Organized Crime (UNTOC), 15 November 2000, Palermo, Italy	
Date of accession: 30 March 2004	
a.	Mutual Assistance in Criminal Matters Law No. 4/2004 (28-4-2004)
b.	Mutual Assistance in Criminal Matter Rules (14-10-2004)
c.	Anti-Money Laundering Law No. 11/2014 (14-3-2014)
d.	Anti-Money Laundering Rules (11-9-2015)
e.	Anti-Money Laundering Order (14-11-2019)
3. United Nations Convention against Corruption (UN CAC), 31 October 2003, Vienna, Austria	
Date of ratification: 20 December 2012	
a.	Anti-Corruption Law No. 23/2013 (07-08-2013)
4. International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)	
Date of accession/ratification: Not a Party	
a.	Land Customs Act 1924 as modified up to 17 March 2015
b.	Sea Customs Act 1878 as modified up to 17 March 2015
c.	Law Amending the Sea Customs Act (6-12-2018)
d.	Tariff Law (12-3-1992)
e.	Commercial Tax Law (31-3-1990)
f.	Law Amending the Commercial Tax Law (24-3-2014)
5. WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	
Date of membership: 1 January 1995	
6. Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	
Date of ratification: 25 November 1994	
a.	Conservation of Biodiversity and Protected Areas Law No. 12/2018 (21-5-2018)
b.	Protection of Wildlife and Protected Areas Rule (24-10-2002)
c.	Environmental Conservation Law No. 9/2012 (30-3-2012)

d.	Environmental Conservation Rule (5-6-2014)
7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 23 November 1972, Paris, France	
Date of accession: 29 April 1994	
a.	Protection and Preservation of Cultural Heritage Regions Law No. 6/2019 (28-2-2019)
8. Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 22 January 2009	
a.	Code of Criminal Procedure as amended
b.	Mutual Assistance in Criminal Matters Law No. 4/2004 (28-4-2004)
c.	Mutual Assistance in Criminal Matters Rules (14-10-2004)
9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force) Recommendations, 16 February 2012, Paris, France	
FATF: Not a member Asia Pacific Group on Money Laundering (APG): Member since March 2006	
a.	Anti-Money Laundering Law No. 11/2014 (14-3-2014)
b.	Anti-Money Laundering Rules (11-9-2015)
c.	Anit-Money Laundering Order (14-11-2019)
d.	Control of Money Laundering Rules (5-12-2003)
e.	Anti-Corruption Law No. 23/2013 (07-08-2013)
10. Convention on Cybercrime, 23 November 2001, Budapest, Hungary Date of accession: Not a Party	
11. Biological Weapons Convention (BWC), 10 April 1972, Geneva, Switzerland Date of accession/ratification: Not available. Myanmar is a Party	

A.2.7 PHILIPPINES

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	
Date of ratification: 18 August1981	
a.	Wildlife Resources Conservation and Protection Act (Republic Act No. 9147, 2001)
b.	Fisheries Code (Republic Act No. 10654, 2014)
c.	Joint DENR-DA-PSCD Implementing Rules and Regulations of Republic Act No. 9147, National Procedures and Guidelines in the Implementation of Republic Act No. 9147, 18 May 2004
d.	Animal Welfare Act (Republic Act No. 8485, 1998) as amended by Republic Act No. 10631, 2013
e.	DENR Administrative Order No. 2019-09 Updated national list of threatened Philippine fauna and their categories, 12 July 2019
2. United Nations Convention against Transnational Organized Crime (UNTOC), 15 November 2000, Palermo, Italy	
Date of ratification: 28 May 2002	
a.	Executive Order No. 62 Creating the Philippine Center on Transnational Crime to Formulate and Implement a Concerted Program of Action of all Law Enforcement, Intelligence and other Agencies for the Prevention and Control of Transnational Crime, 15 January 1999
3. United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria	
Date of ratification: 8 November 2006	
a.	Anti-graft and Corrupt Practices Act (Republic Act No. 3019, 1960) as amended by Republic Act No. 9160, 2001
4. International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)	
Date of accession: 25 June 2010	
a.	Presidential Decree No. 1464, to Consolidate and Codify all the Tariff and Customs Laws of the Philippines, 11 June 1978
5. WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	
Date of membership: 1 January 1995	
a.	Presidential Decree No. 856, Code on Sanitation of the Philippines, 23 December 1975
6. Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	
Date of ratification: 8 October 1993	
a.	Wildlife Resources Conservation and Protection Act (Republic Act No. 9147, 2001)
b.	Expanded National Integrated Protected Area System Act of 2018 (Republic Act No. 11038, which amended Republic Act No. 7586)
7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 23 November 1972, Paris, France	

Date of ratification: 19 September 1985	
a.	National Cultural Heritage Act (Republic Act No. 10066, 2009)
8. Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 12 December 2008	
a.	Extradition Law 1977, Presidential Decree No. 1069
9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force) Recommendations, 16 February 2012, Paris, France	
FATF: Not a member Asia Pacific Group on Money Laundering (APG): Founding Member 1997	
a.	Anti-Money Laundering Act (Republic Act No. 9160, 2001) as amended by Republic Act No. 10365, 2012
10. Convention on Cybercrime, 23 November 2001, Budapest, Hungary Date of accession: Not a Party	
11. Biological Weapons Convention (BWC), 10 April 1972, Geneva, Switzerland Date of accession/ratification: Not available. Philippines is a Party	

A.2.8 SINGAPORE

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	
Date of accession: 30 November 1986	
a.	Endangered Species (Import and Export) Act (Chapter 92A) Commenced on 17 March1989 Last amended on 14 February 2021
b.	Endangered Species (Import and Export) (Prohibition of Sale) Notification 1992, last revised on 1 March 2006
c.	Wildlife Act (Cap. 351) enacted 22 October 1965, last revised 1 March 2021
d.	Animals and Birds (Licensing of Farms) Rules, enacted on 1 June 2004 and last revised on 12 September 2006
2. United Nations Convention against Transnational Organized Crime (UNTOC), 15 November 2000, Palermo, Italy	
Date of ratification: 28 August 2007	
a.	Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A Commenced on 4 December 1992 Last amended on 2 January 2021
3. United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria	
Date of ratification: 6 November 2009	
a.	Prevention of Corruption Act (PCA) Commenced on 17 June 1960 Last amended on 30 July 2020
b.	Penal Code (Chapter 224)
c.	Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A enacted 4 December 1992 and last revised 2 January 2021
d.	Criminal Procedure Code (Chapter 68)
e.	Prisons Act (Chapter 247)
f.	Evidence Act (Chapter 97)
g.	Extradition Act (Chapter 103)
4. International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)	
Date of accession/ratification: Not a Party	
a.	Regulation of Imports and Exports Act (Chapter 272a) as of 1 March 2021
b.	Customs Act (Chapter 70) as of 1 February 2021
5. WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	
Date of membership: 1 January 1995	
a	Animals and Birds Act (Chapter 7) Commenced on 22 October 1965 20 May 1966 (s 71)

	Last amended on 1 April 2019
b	Animals and Birds (Live Fish) Rules 2011 Commenced on 14 January 2011 Last amended on 1 April 2019
c	Animals and Birds (Importation) Order 2009 Commenced on 9 March 2009
d	Animals and Birds (Prevention of Avian Disease in Non-Commercial Poultry) Rules (Rule 12) Commenced on 12 September 2006 Last amended 1 October 2007
e	Animals and Birds (Dog Licensing and Control) Rules (Rule 1) Commenced on 1 September 2007 Last revision 1 September 2020
f	Animals and Birds (Pigeons) Rules (Rule 4) Commenced on 9 November 1973 Last amended on 1 June 2020
g	Animals and Birds (Disease) Notification (Notification 2) Commenced on 29 April 1994 Last amended on 1 September 2008
h	Wholesome Meat and Fish Act (Chapter 349A) Commenced on 10 December 1999 Last amended on 1 Apr 2019
i	Wholesome Meat And Fish (Slaughter-Houses) Rules Commenced on10 December 1999 Last amended on 31 January 2001
j	Wholesome Meat And Fish (Transportation of Meat Products) Rules Commenced on 10 December 1999 Last amended on 31 January 2001
k	Wholesome Meat And Fish (Processing Establishments and Cold Stores) Rules Commenced on 10 December 1999 Last amended on 31 January 2001
6. Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	
Date of ratification: 21 December 1995	
a.	Parks and Trees Act (Cap. 216) Commenced on 1 August 2005 Last amended on 2 January 2021
B	Parks and Trees Regulations (Reg. 1) Commenced on 1 August 2005 Last amended on 30 June 2020
C	Wildlife Act (Cap. 351) mmenced onCo 22 October 1965 Last amended on 1 March 2021
D	Animals and Birds Act (Chapter 7) Commenced on 22 October 1965

	20 May 1966 (s 71) Last amended on 1 April 2019
e	Animals and Birds (Live Fish) Rules 2011 Commenced on 20 January 2011 Last revised on 1 April 2019
F	Endangered Species (Import and Export) Act (Chapter 92A) Commecned on 17 March 1989 Last amended on 14 Feburary 2021 ("ESA")
a7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 23 November 1972, Paris, France	
Date of ratification: 19 June 2012	
a.	Parks and Trees Act (Cap. 216) commenced on 1 August 2005, last amended 2 January 2021
b.	Wildlife Act (Cap. 351) Commenced on 22 October 1965 Last amended on 1 March 2021
C.	Parks and Trees Regulations (Reg. 1) commenced on 1 August 2005, last amended 30 June 2020
d.	Preservation of Monuments Act (Cap. 239) Commenced on 1 July 2009, last amended 2 January 2021
8. Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 28 April 2005	
a	Mutual Assistance in Criminal Matters (Brunei Darussalam) Order 2006 Came into operation on 15 Feburary 2016
b	Mutual Assistance in Criminal Matters (Kingdom of Cambodia) Order 2010 Came into operation on 8 April 2010
c	Mutual Assistance in Criminal Matters (Kingdom of Thailand) Order 2013 Came into operation on 31 January 2013
d	Mutual Assistance in Criminal Matters (Lao People's Democratic Republic) Order 2007 Came into operation on 20 June 2007
e	Mutual Assistance in Criminal Matters (Malaysia) Order 2005 Came into operation on 1 June -2005
f	Mutual Assistance in Criminal Matters (Republic of Indonesia) Order 2008 Came into operation on 9 September 2008
g	Mutual Assistance in Criminal Matters (Republic of the Philippines) Order 2009 Came into operation on 12 December 2009
h	Mutual Assistance in Criminal Matters (Socialist Republic of Vietnam) Order 2005 Came into operation on 25 October 2005
i	Mutual Assistance in Criminal Matters (Union of Myanmar) Order 2009 Came into operation on 22 January 2009

9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force) Recommendations, 16 February 2012, Paris, France	
FATF: Member since 1992 Asia Pacific Group on Money Laundering (APG): Founding Member 1997	
a.	Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A commenced on 4 December 1992 last amended 2 January 2021
10. Convention on Cybercrime, 23 November 2001, Budapest, Hungary Date of accession: Not a Party	
11. Biological Weapons Convention (BWC), 10 April 1972, Geneva, Switzerland Date of ratification/accession: Not available. Singapore is a Party	

A.2.9 THAILAND

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	
Date of ratification: 21 January 1983	
a.	Wild Animals Conservation and Protection Act B.E. 2562 (2019)
b.	Elephant Ivory Tusks Act B.E. 2558 (2015)
c.	Emergency Decree on Fisheries B.E. 2558 (2015)
d.	Animal Epidemics Act B.E. 2558 (2015)
2. United Nations Convention against Transnational Organized Crime (UNTOC), 15 November 2000, Palermo, Italy	
Date of ratification: 17 October 2013	
a.	Anti-Participation in Transnational Organized Crime Act B.E. 2556 (2013)
b.	Anti-Money Laundering Act B.E. 2542 (1999) as amended by Act No. 4 B.E. 2556 (2013) and Act No. 5 B.E. 2558 (2017)
3. United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria	
Date of ratification: 1 March 2011	
a.	Anti-Participation in Transnational Organized Crime Act B.E. 2556 (2013)
b.	Anti-Money Laundering Act B.E. 2542 (1999) as amended by Act No. 4 B.E. 2556 (2013) and Act No. 5 B.E. 2558 (2017)
c.	Criminal Code as amended by Act No. 14 B.E 2540 (1997), Act No. 17 B.E. 2547 (2003), and Act. No. 26 B.E 2560 (2017)
4. International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)	
Date of accession: 12 June 2015	
a.	Customs Act B.E. 2560 (2017)
b.	Export and Import of Goods Act B.E. 2522 (1979) as amended by Act No.2 B.E 2558 (2015)
5. WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	
Date of membership: 1 January 1995	
a.	Animal Epidemics Act B.E. 2558 (2015)
b.	Communicable Diseases Act B.E. 2558 (2015)
6. Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	
Date of ratification: 31 October 2003	
a.	National Parks Act B.E. 2561 (2019)
b.	Wild Animals Conservation and Protection Act B.E. 2562 (2019)
c.	Enhancement and Conservation of the National Environmental Quality Act B.E. 2535 (1992) as amended by Act No. 2 B.E. 2661 (2018)
7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 23 November 1972, Paris, France	
Date of accession: 17 September 1987	

a.	Enhancement and Conservation of the National Environmental Quality Act B.E. 2535 (1992) as amended by Act (No. 2) B.E. 2661 (2018)
b.	Ancient Monuments, Antiques, Objects of Art and National Museum B.E. 2504 (1961) as amended by Act No. 2 B.E. 2535 (1992)
c.	National Parks Act B.E. 2561 (2019)
d.	Wild Animals Conservation and Protection Act B.E. 2562 (2019)
8. Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 31 January 2013	
a.	Act on Mutual Assistance in Criminal Matters B.E. 2535 (1992) as amended by Act No. 2 B.E. 2559 (2016)
b.	Criminal Code as amended by Act No. 14 B.E 2540 (1997), Act No. 17 B.E. 2547 (2003), and Act. No. 26 B.E 2560 (2017)
9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force) Recommendations, 16 February 2012, Paris, France	
FATF: Not a member Asia Pacific Group on Money Laundering (APG): Founding Member 1997	
a.	Anti-Money Laundering Act B.E. 2542 (1999) as amended by Act No. 4 B.E. 2556 (2013) and Act No. 5 B.E. 2558 (2017)
10. Convention on Cybercrime, 23 November 2001, Budapest, Hungary Date of accession: Not a Party	
11. Biological Weapons Convention (BWC), 10 April 1972, Geneva, Switzerland Date of accession/ratification: Not available. Thailand is a Party	

A.2.10 VIETNAM

1. Convention for the International Trade of Endangered Species of Wild Fauna and Flora (CITES), 3 March 1973, Washington DC, USA	
Date of accession: 20 January 1994	
a.	Law on Forestry No. 16/2017/QH14
b.	Law on Fisheries No. 18/2017/QH14
	Law on Investment No.61/2020/QH14
c.	Decree No. 06/2019/ND-CP (Management of endangered, precious, and rare wild fauna and flora, and the implementation of CITES)
d.	Prime Minister Directive No. 29/2020 on urgent measures to tighten the management of wildlife
e.	Decree No. 35/2019/ND-CP (Violations against regulations on forest animal protection)
f.	Decree No. 64/2019/ND-CP - Updated list of protected species supporting Penal Code - Updated List of endangered precious and rare species prioritized for protection
g.	Circular No.13/2009 of Ministry of Agriculture and Rural Development on management and using of revenue from illegal wildlife punishment
h.	Law No. 12/2017/QH14 on Amendments to the Criminal Code No. 100/2015/QH13
i.	Circular No. 90/2008/TT-BNN Guidance on settlement of Confiscated Wildlife (28/08/2008)
j.	Decision of Ministry of Agriculture and Rural Development on Strengthening the Steering Committee for Wildlife Law enforcement (Decision No. 1632/QD-BNN-TCCB) (16/07/2013)(Attached file)
k.	Government Decree No. 160/2013 on criteria for listing endangered species
l.	Prime Minister Decision No. 11/2013 on banning the import, export, purchase, and sale of specimens of two species of CITES-listed rhinoceros and African elephants
2. United Nations Convention against Transnational Organized Crime (UNTOC), 15 November 2000, Palermo, Italy	
Date of ratification: 8 June 2012	
a.	Law No. 12/2017/QH14 on Amendments to the Criminal Code No. 100/2015/QH13
b.	Law on Prevention of Money Laundering No. 07/2012/QH13
c.	Decree Detailing Implementation of a Number of Articles of Law on Prevention and Combat of Money Laundering (No. 116/2013/ND-CP) ((04/10/2013)
3. United Nations Convention against Corruption (UNCAC), 31 October 2003, Vienna, Austria	
Date of ratification: 19 August 2009	
a.	Law No. 12/2017/QH14 on Amendments to the Criminal Code No. 100/2015/QH13
b.	Anti-corruption Law No. 36/2018/QH14
c.	Decree on Detailed Guidance on Implementation of the Anti-corruption Law No.120/2006/ND-CP

4. International Convention on the Simplification and Harmonization of Customs Procedures, 18 May 1973, Kyoto, Japan, amended June 1999 (Revised Kyoto Convention)	
Date of accession: 8 January 2008	
a.	Customs Law No. 54/2014/QH13
5. WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1 January 1995, Marrakesh, Morocco	
Date of membership: 11 January 2007	
a.	Law No. 12/2017/QH14 on Amendments to the Criminal Code No. 100/2015/QH13
6. Convention on Biological Diversity (CBD), 5 June 1992, Rio de Janeiro, Brazil	
Date of ratification: 16 November 1994	
a.	Biodiversity Law No. 20/2008/QH12
b.	Circular on Document Package of Legal Forest Products and Examination of Forest Products No. 01/2012/TT- BNNPTNT
c.	Decree on Administrative Punishment over Forest Management, Forest Development, Forest Protection and Forest Product Management No. 157/2013/ND-CP
d.	Decree No.179/2013/ND-CP on Penalties Imposed on Administrative Penalties in respect of Environmental Protection
e.	Decision of Ministry of Agriculture and Rural Development on Strengthening the Steering Committee for Wildlife Law enforcement No. 1632/QD-BNN-TCCB
f.	Law on Environmental Protection No. 55/2014/QH13
g.	Joint Circular No.19/2007/TTLT/BNN Inter-agency Circular Outlining Guidelines for the Application of Certain Articles in the Criminal Code to Violations of Forest Protection and Management Laws
h.	Law on Forestry No. 16/2017/QH14
i.	Law on Fisheries No. 18/2017/QH14
7. Convention Concerning the Protection of the World Cultural and Natural Heritage, 23 November 1972, Paris, France	
Date of accession: 19 October1987	
a.	Law on Cultural Heritage No. 28/2001/QH10 amended 2009
b.	Decree on Detailed Guidance on Implementation of the Law on Cultural Heritage No. 92/2002/ND-CP
8. Treaty on Mutual Legal Assistance in Criminal Matters (ASEAN), 29 November 2004, Kuala Lumpur, Malaysia	
Date of ratification: 25 October 2005	
a.	Law on Legal Assistance No. 08/2007/QH12
9. International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF (Financial Action Task Force) Recommendations, 16 February 2012, Paris, France	
FATF: Not a member Asia Pacific Group on Money Laundering (APG): Member since May 2007	
a.	Law No. 12/2017/QH14 on Amendments to the Criminal Code No. 100/2015/QH13

b.	Law on Prevention of Money Laundering No. 07/2012/QH13
c.	Decree Detailing Implementation of a Number of Articles of Law on Prevention of Money Laundering No. 116/2013/ND-CP
10. Convention on Cybercrime, 23 November 2001, Budapest, Hungary Date of accession: Not a Party	
11. Biological Weapons Convention (BWC), 10 April 1972, Geneva, Switzerland Date of accession/ratification: Not available. Vietnam is a Party	