Strengthening Enforcement For Marine Turtle Protection In Vietnam

Compensation For Bear Farmers Is A Bad Idea
Taking A Bite Out Of Consumer Wildlife Crime In Vietnam’s Largest Cities
Attention: New Decree Revises Punishment Requirements For Wildlife Crime
Trade In Pangolins Is A Criminal Offense
Compensation For Bear Farmers Is A Bad Idea

The number of bears on farms in Vietnam continues to drop, with only about 1,250 bears remaining in captivity. In some provinces, however, the idea of compensating bear farmers for transferring their bears to authorities has been discussed.

The motivation behind such thinking seems to be that bear farmers ought to be compensated for their lost investment in the bear. After all, when they transfer the bear to a rescue center, they no longer have the bear they bought.

ENV believes that this thinking is grossly backwards, a relic of the past failures of wildlife protection. All of the bears that are being kept on farms were obtained illegally from the wild, most as cubs. The bear farmers illegally kept these bears captive for years, extracting and selling their bile in violation of the law.

Decision 47/2006/QĐ-BNN, the first government guidance regulating bear farming in Vietnam stated clearly that the captive bears did not legally belong to the farmers (they belong to the government). Even without this decision, the fact that the bears were obtained illegally should have resulted in their immediate confiscation. If it were not for the large number of bears that were on farms in 2005, when the government started the process of phasing out bear farming, confiscation would have been both the appropriate and correct response by authorities.

Thus, it is ludicrous that bear farmers demand compensation for handing over their bears and equally so that some authorities are entertaining the idea.

As a general principle, people who violate the law should not benefit from their crimes and the evidence of their violation should under no circumstances remain in their hands. Thieves are not compensated for motorbikes that they stole and were seized by police, drug smugglers are not compensated for drugs seized by Customs, and criminals have no right to claim recompense for illegal firearms found in their possession. This principle applies just as strongly to the farm owners, who obtained their bears in violation of the law. Endangered wildlife is a living resource that requires the highest levels of protection, and the only way to win this battle is to use the law effectively.

Moreover, compensation not only rewards bear farmers for illegal behavior, but also risks creating a market for captive bears as other farmers seek similar “deals” and selling bears to the authorities becomes a valuable trade.

**ASK ENV**

**Volunteers paid to report crimes?**

*I have heard rumors that ENV volunteers who inspect restaurants and other business establishments are paid to report crimes.*

This is not true. None of the 5,927 volunteers in 33 provinces belonging to ENV’s Wildlife Protection Network get paid to monitor businesses or report crimes. These dedicated and hard-working people are ordinary citizens that feel concern for the future of wildlife in Vietnam, and want to do something about it.
Consumer crime enforcement campaigns have been completed by city and district leaders in 12 districts of Hanoi and Ho Chi Minh City, as well as in the cities of Hue (Thua - Thien Hue) and Dong Ha (Quang Tri). ENV worked alongside district and city People’s Committees to reduce consumer wildlife crime at restaurants, bars, hotels, pet shops, traditional medicine shops and markets within each jurisdiction. The enforcement campaign achieved an overall reduction in consumer crime of 42%.

While there is room for improvement, some districts are well on their way to achieving the 95% reduction in consumer crime that ENV has targeted in order to declare the district or city’s businesses compliant with wildlife protection laws and regulations.

Among the 15 targeted jurisdictions, Hoan Kiem district in Hanoi has been the most successful, with a remarkable 77% reduction in consumer wildlife crime since the campaign began in 2013. Dong Da district, also in Hanoi, is close behind, with a reduction rate of 66%.

In total, 4,974 establishments were inspected in six cities including the newly surveyed cities of Danang and Vinh. Overall, violations were found in 17% of the establishments inspected, with the prevalence of consumer crime varying widely between districts.

In 2015, ENV will expand the enforcement campaign to new districts, as well as conduct second campaigns in the original eight districts of Hanoi and Ho Chi Minh.

Report cards for each district will soon be available online, allowing authorities and the public to compare performance between districts in major cities throughout Vietnam.

ATTENTION: New Decree Revises Punishment Requirements For Wildlife Crime

The Government has just issued Decree 40/2015/NĐ-CP amending Decree 157/2013/NĐ-CP on administrative sanction in respect of forest control, forest development, forest protection and forest product management (Decree 157) to remove inconsistency between Decree 157 and the Penal Code.

According to Decree 40/2015/NĐ-CP, species listed in Decree 160/2013/NĐ-CP as endangered, precious and rare species prioritized for protection are not to be treated within Decree 157’s scope of application. This means violations involving any species listed in Decree 160/2013/NĐ-CP are to be treated as criminal offenses and punished accordingly, regardless of whether the species is simultaneously listed in Decree 32/2006/NĐ-CP.

Illegally hunting, killing, transporting, caging or trading animals on the list of endangered, precious and rare species prioritized for protection or illegally transporting/ trading body parts, derivatives or products of these species are subject to criminal charges under Article 190 of the Penal Code 2009.
In late 2014, authorities raided six warehouses in Nha Trang, recovering more than 10 tons of dead marine turtles. Thousands of endangered hawksbill marine turtles were found, making this the largest single confiscation of marine turtles in history.

Hoang Tuan Hai, pictured on the day of the raids in Nha Trang City, where his brother Cuong operated the country’s largest known marine turtle processing and smuggling operation. Hai has stepped forward to accept responsibility for the turtles recovered from the warehouse, leaving the possibility open that his brother Cuong will escape prosecution.

Selling a marine turtle as a trophy seems like a passive violation. However, thousands of turtles are sold this way as decorations, representing a substantial threat to the species. Letting this woman off with a warning is only effective if the turtle is confiscated and authorities ensure that she will never engage in such illegal business again.

Hatchling marine turtles and marine turtle eggs in wine. Today, with only a few marine turtle nesting beaches remaining in Vietnam, it is time for authorities to take marine turtle crimes seriously and enforce the law to protect all five native species.

The Law

All five species of marine turtles native to Vietnam are fully protected under Decree 160/2013/NĐ-CP, which concerns the criteria for identification and management of endangered, precious and rare species prioritized for protection. They are also listed under Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Illegally hunting, killing, transporting, raising, keeping, and selling marine turtles or illegally transporting or trading marine turtle organs or products is in violation of the law.

Typical marine turtle crimes

In all cases involving marine turtles or parts and products made from marine turtles, authorities are required by law to confiscate the turtle or parts and products.

If the case involves intentional hunting, trade, transportation, keeping or selling of marine turtles, the criminal code must be applied in accordance with Decree 160/2013/NĐ-CP.

Failure to enforce the law undermines the protection of marine turtles. When owners are permitted to keep or sell marine turtles, or to engage in trade of their parts without punishment, the law ceases to be effective.

Opinion

Taking marine turtle crimes seriously starts with prosecuting major figures like Cuong and his associates, responsible for the deaths of thousands of turtles. If we can't prosecute a large-scale criminal after more than 10 tons of marine turtles were discovered in his warehouses, then the future of wildlife in Vietnam is surely at risk.

How can we pursue a woman selling a trophy marine turtle, if a kingpin can kill thousands and never be held accountable?

Do you agree? If so, let your voice be heard.
TRADE IN PANGOLINS IS A CRIMINAL OFFENSE

CRIMES INVOLVING THE CHINESE PANGOLIN (MANIS PENTADACTyla) AND THE SUNDA PANGOLIN (MANIS JAVAlica) SHALL BE PROSECUTED ACCORDING TO ARTICLE 190 OF THE PENAL CODE REGARDLESS OF QUANTITY, QUALITY OR VALUE OF THE ITEMS CONFISCATED. THIS REQUIREMENT HAS BEEN CONFIRMED BY ALL RELEVANT AUTHORITIES INCLUDING THE GOVERNMENT OFFICE, MPS, MARD, AND MONRE. IN ADDITION, NO AUCTIONING OF CONFISCATED PANGOLINS IS PERMITTED. PANGOLIN CONFISCATIONS SHALL BE DEALT WITH AS FOLLOWS ACCORDING TO EXISTING REGULATIONS:

(i) Release live animals to a suitable natural habitat or transfer weak/injured animals to a rescue center;

(ii) Transfer animals that have died during rescue to scientific/environmental education institutions or specialized museums to study, preserve, educate and raise public awareness; or

(iii) Destroy animals that have died or in cases where the above mentioned requirements cannot be applied.

RECENT PANGOLIN CASES

Bac Ninh
On February 1, authorities confiscated 42 Sunda pangolins (Manis javanica) from a truck with false registration plates. The pangolins were too weak to be released but, rather than transferring them to a rescue center, Bac Ninh Forest Protection Department auctioned them off in violation of the law. This caused public outcry, accusing wildlife protection authorities in Bac Ninh of complicity in the illegal wildlife trade (Case ref. 7965/ENV).

Ha Tinh
After receiving information from an informant, authorities in Duc Tho district stopped a man on January 28 who was transporting nine pangolins on a motorbike. The pangolins died shortly after confiscation and were unfortunately sold off by authorities, rather than being destroyed as required under new laws. The subject was fined 30 million VND (USD $1,375) (Case ref. 7951/ENV).

Hanoi
On January 8, Hanoi Environmental police received information about pangolins being transported by motorbike in Long Bien district and were able to apprehend the vehicle. Seven live Sunda pangolins (Manis javanica) were confiscated and transferred to Soc Son rescue centre. The driver was arrested (Case ref. 7909/ENV).

Kien Giang
On February 3, Rach Gia police confiscated eight live pangolins that were found on a passenger bus travelling to Ho Chi Minh City. The pangolins were transferred to Hon Me rescue center before being released into a national park. The driver who claimed he had been hired by somebody else to transport the pangolins, was fined 200 million VND (USD $9,170) (Case ref. 7986/ENV).
On February 4, Rach Gia Police found three more live pangolins when checking a passenger bus in route to Ho Chi Minh City. The subject in possession of the pangolins was fined 100 million VND (USD $4,585) and the pangolins were released to a national park (Case ref. 8003/ENV).

**Quang Ninh**

On March 27, Ha Long police stopped a car which contained 52 pangolins. Only three pangolins were transferred to the Soc Son Rescue Center. The others reportedly died (Case ref. 8138/ENV).

**Thanh Hoa**

On January 15, Thanh Hoa police stopped a truck for violating a traffic regulation. Upon closer inspection, they discovered seven live Sunda pangolins (*Manis javanica*) hidden in a bag in the truck. One of these pangolins died, but the remaining six were transferred to the Carnivore and Pangolin Conservation Program at Cuc Phuong National Park (Case ref. 7926/ENV).

On February 3, Thanh Hoa Traffic Police confiscated six more pangolins, this time from a passenger bus travelling to Hanoi from Nghe An. The driver stated that he had been hired to transport the pangolins (Case ref. 7987/ENV).

**Ba Ria - Vung Tau**

The owner of a registered Asiatic black bear (*Ursus Selenarctos thibetanus*), who no longer wanted to keep it for bear bile extraction decided to voluntarily transfer the bear. Despite ENV’s initial difficulties in finding a rescue center to receive the bear, on March 27 it was transported from Ba Ria - Vung Tau to Soc Son rescue center in the north of Vietnam. (Case ref. 7860/ENV).

Ba Ria - Vung Tau Forest Protection Department helped facilitate the voluntary transfer of a southern white-cheeked gibbon (*Nomascus leucogenys siki*) and a long-tailed macaque (*Macaca fascicularis*) that were being kept at a private residence. On April 23 the macaque was released into the local forest and the gibbon was transferred to Cu Chi Rescue Center (Case ref. 8129/ENV).

**Bac Kan**

In January, information passed through ENV’s hotline resulted in the seizure of a frozen tiger as it was delivered to a hotel where it was to be cooked to make tiger bone TCM. The tiger weighed 303kg and was cut into five pieces. Two bags of animal bones weighing 53kg, three kg of turtle shell, and firearms were also recovered by police. The tiger trader was arrested and the case is awaiting prosecution (Case ref. 7920/ENV).

**Ben Tre**

Ben Tre Forest Protection Department and National Forest Protection Department organized the transfer of two Asiatic black bears (*Ursus Selenarctos thibetanus*) after the owner decided she did not want to keep them anymore and contacted local authorities to help. The bears were transferred to Tam Dao Bear Sanctuary on March 27 (Case ref. 8133/ENV).
Binh Phuoc
On February 6, the Bu Gia Map Forest Protection Department confiscated four dead black-shanked douc langurs (Pygathrix nigripes) and arrested a man in connection with the case (Case ref. 7994/ENV).

Dak Lak
On February 26, local authorities received a loris from a worker, who had reportedly found the animal in an industrial zone and brought it to his house for its safety. Authorities released the loris to Chu Pah forest on the same day that the incident was reported (Case ref. 8016/ENV).

Dak Nong
On January 8, the Dak Nong Forest Protection Department confiscated one yellow-cheeked gibbon (Hylobates gabriellae) after a member of the public heard the primate’s distinctive calls from inside the premises of a company and alerted ENV. The gibbon was released to Quang Truc forest (Case ref. 7893/ENV).

Dong Nai
Prompt action from Dinh Quan district Forest Protection Department after receiving a report through ENV on March 11 resulted in wild pig meat, a dead macaque, two dead Malay mouse-deer, a live bamboo rat and a live snake being confiscated from the houses of subjects who were suspected to be trading in wildlife. The dead wildlife was destroyed and the live animals were released to Tan Phu forest. The subject was fined three million VND (USD $138) (Case ref. 8065/ENV).

Hanoi
The bones of 20 black-shanked douc langur (Pygathrix nigripes) were found by traffic police on a bus travelling through Soc Son district on January 28. The driver was not charged and police are currently investigating the incident to find the owner. Smuggling wildlife by passenger bus is a method frequently used by wildlife traders as it is difficult for authorities to determine the owner of the goods on the bus (Case ref. 7952/ENV).

Hai Phong
The owner of a restaurant in Hai Phong agreed to transfer a black kite (Milvus migrans) and an eagle to the Hai Phong Forest Protection Department, after they came to check the site following a report through ENV about a number of illegal birds being kept at the restaurant. The birds were subsequently released to Cat Ba National Park (Case ref. 7822/ENV).

Ho Chi Minh City
On January 11, Ho Chi Minh City Environmental Police confiscated two dead Asian golden cats (Catopuma temminckii), one dead Leopard (Panthera pardus) and 30 live pangolins from a smuggling operation in Ho Chi Minh City. The subject was part of a larger smuggling network using ambulances to transport wildlife across Vietnam (Case ref. 7925/ENV).

On March 14, Tan Son Nhat airport customs found 43.5kg of African elephant ivory hidden in the luggage of two Vietnamese subjects who had arrived in Ho Chi Minh City from Angola. The subjects claimed they had been hired to transport the ivory to Vietnam (Case ref. 8084/ENV). Similarly, on March 18, Tan Son Nhat airport customs found 1.2kg of rhino horn and seven bracelets made of elephant ivory in the luggage of a Vietnamese subject who was returning to Ho Chi Minh City from Africa (Case ref. 8097/ENV).

“The best place to protect wildlife is in their habitat where they belong, before they fall into the hands of hunters and traders.”
**Lam Dong**

On March 6, the Da Lat Forest Protection Department apprehended two subjects who were transporting wildlife on their motorbike. Six small Indian civets (*Viverricula indica*), 11 bamboo rats, and one red jungle fowl (*Gallus gallus*) were confiscated and released back into the local forest. The two subjects were subsequently fined 18 million VND (USD $825) each and their motorbike was seized (Case ref. 8049/ENV).

On March 9, Lac Duong Forest Protection Department confiscated eight Pygmy lorises (*Nycticebus pygmaeus*) that were being kept at an ecotourism area after a member of the public reported the crime to ENV. The owner claimed that “he had tried to release the lorises several times in the past but they always returned”, an unlikely occurrence. The lorises were subsequently transferred to Cat Tien Rescue Center (Case ref. 8032/ENV).

When a small Indian civet (*Viverricula indica*) was advertised for sale online on March 12, ENV coordinated with the Bao Lam district Forest Protection Department to arrange a meeting with the owner, who thought they were interested in buying the animal. When the meeting took place, Forest Protection Department surprised them by confiscating the civet, which was later released to local forest (Case ref. 8076/ENV).

**Lang Son**

On March 6, the customs team at the Coc Nam border gate found three bags containing 11kg of African elephant ivory whilst diligently checking goods passing between China and Vietnam (Case ref. 8100/ENV). The customs staff identified the bags as suspicious when they noticed packaging similar to a previous ivory smuggling incident on February 6 at the same border gate. In this case, 4.5kg of elephant ivory was confiscated but the subject remains at large (Case ref. 8417/ENV).

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**Reports from the public make a difference**

During the first quarter of 2015, ENV’s Wildlife Crime Unit (WCU) received a total of 145 new cases reported through the hotline, roughly two new cases a day. Seven cases were reported through the wildlife crime smart phone application, 69 reports via the hotline email address and 69 reports via the hotline telephone.

**Wildlife Crime Statistics**

Number of violations documented by the Wildlife Crime Unit by classification of crime during the first quarter of 2015

<table>
<thead>
<tr>
<th>Classification</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>Total Quarter One</th>
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</thead>
<tbody>
<tr>
<td>Smuggling and trade</td>
<td>47</td>
<td>40</td>
<td>44</td>
<td>131</td>
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<tr>
<td>Selling and advertising</td>
<td>26</td>
<td>36</td>
<td>87</td>
<td>149</td>
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<tr>
<td>Possession</td>
<td>67</td>
<td>39</td>
<td>62</td>
<td>168</td>
</tr>
<tr>
<td>Hunting</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL *</td>
<td>143</td>
<td>116</td>
<td>197</td>
<td>456</td>
</tr>
</tbody>
</table>

* Cases are sourced from the public, as well as from authorities, field investigations and enforcement campaigns, and other non-public sources.

“Tigers, gibbons, langurs, elephants and many more species are following rhinos down the path of extinction. It’s up to you to stop this before it’s too late.”
Wildlife trade will end when the public realizes that the trade benefits only a few, while the rest of us share the cost of losing a precious and irreplaceable part of our natural heritage when a species becomes extinct.

Nghe An
After investigating a subject for some time, Thanh Chuong police received information that there was a tiger being kept at the subject’s house. The police set up an ambush to catch relatives of the subject with two frozen macaques. This gave authorities a reason to inspect the subject’s house where on January 20, they discovered a frozen tiger. The tiger is thought to have come from Laos and believed to have been transported to the subject’s house by a specialized vehicle (Case ref. 7935/ENV).

Ninh Thuan
After an informant reported to ENV that a critically endangered Hawksbill sea turtle (Eretmochelys imbricata) was being sold at a floating restaurant, ENV coordinated with Ninh Thuan Environmental Police to set up a “sting”. When the owner sought to sell the turtle to undercover officers, police arrested two subjects. The turtle was later released into the Binh Son Sea. Ninh Thuan police issued an administrative punishment of 15 million VND (USD $688) to a subject involved (Case ref. 8115/ENV).

Quang Binh
On November 4, 2014 Phong Nha – Ke Bang district Forest Protection Department stopped a motorbike and confiscated a dead Hatinh langur (Trachypithecus laotum hatinhensis) that the driver was transporting (Case ref. 7754/ENV).

On January 6, three hunters were arrested by authorities after being found carrying sacks containing serow (Capricornis sumatraensis) parts out of a forest. The hunters admitted that they had caught the serow in a snare and were taking it back to their village when they were caught. The case will be prosecuted (Case ref. 8027/ENV).

On January 26, Quang Binh Environmental Police stopped a bus travelling from Quang Tri to Ha Noi and discovered two dead long-tailed macaques (Macaca fascicularis) and two live stump-tailed macaques (Macaca arctoides). The live macaques were in a cage hidden in the luggage compartment. The alive animals were transferred to a rescue center in Phong Nha Ke Bang National Park by authorities. Although the driver

On January 26, Nghe An Environmental Police, in cooperation with Tuong Duong District Police, confiscated nearly 500kg of dead wildlife that was hidden in a large refrigerator in a subject’s house, including 12 civets, 51 macaques, one Leopard cat (Prionailurus bengalensis) and wild pig parts. Two live stump-tailed macaques (Macaca arctoides) were also confiscated from the house and released at Pu Mat National Park (Case ref. 7953/ENV).

On March 13, Nghe An Environmental Police confiscated a leopard cat (Prionailurus bengalensis) from a restaurant in Vinh City. An ENV volunteer discovered the caged leopard cat at the restaurant whilst helping conduct comprehensive inspections of business establishments within the district. Authorities released the Leopard cat at Pu Mat National Park. The owner of the restaurant received an administrative punishment of 15 million VND (USD $688) for possessing a IIB-listed species (Case ref. 8082/ENV).

On March 17, Nghe An Environmental Police caught a subject who was transporting six frozen Leopard cats (Prionailurus bengalensis) on her motorbike. The subject admitted to buying the leopard cats from hunters (Case ref. 8099/ENV).

“Wildlife trade will end when the public realizes that the trade benefits only a few, while the rest of us share the cost of losing a precious and irreplaceable part of our natural heritage when a species becomes extinct”
claimed he did not know who put the primates on his coach, he was fined 18 million VND (USD $825) for being in possession of these animals (Case ref. 7946/ENV).

**Quang Nam**

When an informant reported to ENV that two pythons were on display at a coffee shop, the Tien Phuoc Forest Protection Department responded swiftly, confiscating the pythons on March 5 and releasing them in a local forest (Case ref. 8009/ENV).

**Quang Tri**

After ENV received a report about an endangered red-shanked douc langur (*Pygathrix nemaeus*) being kept chained up at a resident house, the Dak Rong Forest Protection Department promptly confiscated and released the langur in Dak Rong National Park on January 23 (Case ref. 7930/ENV).

Whilst conducting a comprehensive survey of establishments in Dong Ha district, at a restaurant, including lizards and birds. Civet and bamboo rat were also advertised on the menu. On March 20, Quang Tri authorities checked the site but found no live animals. However, the restaurant was fined 1.5 million VND (USD $69) for advertising wildlife on the menu and all the menus were confiscated by authorities (Case ref. 6521/ENV).

**Thua Thien - Hue**

On March 23, it was reported that a live small Asian mongoose (*Herpestes javanicus*) was being kept at a restaurant notorious for wildlife violations. The Forest Protection Department quickly checked the site and confiscated the animal on the same day. The owner was fined two million VND (USD $92) (Case ref. 2968/ENV).

**Vinh Long**

A pagoda that was keeping a large green sea turtle (*Chelonia mydas*) that had been given to them by a local fisherman requested help in releasing the turtle. ENV contacted the Vinh Long Fisheries Department which subsequently collected the marine turtle and released it into the ocean on March 16 (Case ref. 8066/ENV).

Removing visible violations that might encourage others to break the law is essential in stopping consumer wildlife trade. ENV urges authorities to exercise a policy of zero tolerance on pet macaques. If the law were enforced consistently and universally, there would be far fewer macaques being kept as pets and fewer problems relating to confiscations and placement.

ENV recorded 18 cases involving the confiscation or voluntary transfer of macaques during the first quarter of 2015, with a total of 21 macaques released or placed at rescue centers thanks to the swift response of local authorities.
THE ENV WILDLIFE CRIME UNIT

ENV's Wildlife Crime Unit (WCU) was established in 2005 to encourage greater public involvement in efforts to combat illegal wildlife trade, to strengthen the effectiveness of front line law enforcement agencies through support and cooperation, and to facilitate public reporting of crimes.

The WCU administers a national toll-free hotline for reporting wildlife crimes. Information reported through the hotline is passed on to the appropriate authorities. ENV then works closely with law enforcement agencies, tracking each case through to conclusion, and documenting the results on ENV’s Wildlife Crime Incident Tracking System. Over 8,400 cases have been recorded since the WCU was established in 2005.

The main aims of ENV’s Wildlife Crime Unit are to:
• Encourage public participation in efforts to stop the illegal trade of wildlife
• Provide support to law enforcement agencies tasked with combating wildlife crime
• Document crimes and work with authorities to identify and address factors that contribute to wildlife crime
• Provide law enforcement agents with timely alerts containing intelligence and analysis relating to criminal activities

ENV’s efforts to combat illegal hunting and trade of wildlife are made possible thanks to the generous support of the following partners:

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