

VIETNAM'S EFFORTS IN PROTECTING MARINE TURTLES



1. Policy and Legislation

Central level

In 2015, the Vietnamese government published the Action Plan for Conservation of Vietnamese Martine Turtles valid from 2016 to 2025 (hereinafter referred to as the “Marine Turtle Action plan”) with the aim of sustainably preserving marine turtle populations and their habitats in Vietnam.

In 2018, the Penal Code came into force. According to the Code, all marine turtle-related crimes are criminal offenses (except advertising and some procedure violations) with punishment of up to 15 years in prison for individuals.

The Law on Fisheries (Law No.18/2017/QH14), the Decree to implement the new Law on Fisheries (Decree No.26/2019/ND-CP), and a Decree on administrative penalties for Fisheries violations (Decree No.42/2019/ND-CP) all came into force from 2019, completing the legal framework for protecting endangered aquatic species in general and marine turtles in particular.

Provincial level

The People’s Committees of key marine turtle strongholds and trafficking provinces, including Ba Ria – Vung Tau, Ninh Thuan, Quang Ninh, Quang Tri, Binh Thuan, and Kien Giang have initiated instructions to relevant agencies under their management to take action on turtle protection and turtle trade prevention.

2. Enforcement and Prosecutions

According to ENV’s Wildlife Crime Incident Tracking Database during the period of January 1, 2010 to September 30, 2019, a total of 526 cases comprised of 668 violations involving marine turtles were logged, detailed as follows:

Table 1: Marine turtle cases and violations logged by classification

Classification	Cases
Advertising and selling violations	236
Possession violations	250
Smuggling and trade violations	22
Hunting and other violations	28
Total	526 cases*
	666 violations



**One case may include more than one violation of different classifications and thus the number of cases isn’t always equal to the accumulation of cases by each classification.*

Internet crime
Of the 528 cases, 164 cases involved online advertising, selling, or in a few cases, possession, of marine turtles or parts and products made from marine turtles.

Hotspots
Table 2 shows the number of cases by province during the period January 1, 2010 and September 30, 2019. As Table 2 illustrates, five provinces stand out as “hotspots” for marine turtle trade: Khanh Hoa, Hanoi, Kien Giang, Ba Ria – Vung Tau, and Ho Chi Minh. Five other provinces “of concern” had between 15-20 cases reported during the reporting period. However, it should be noted that all five “hotspot” provinces were the subject of ENV enforcement campaigns in 2017 and 2018, which specifically targeted marine turtle violations, as well as additional consumer crime enforcement campaigns since 2012 that would have included documenting marine turtle violations. This special focus on these five hotspots would likely result in a higher proportion of crimes reported in these area when compared to some other provinces.

However, documentation of marine turtle crimes in these five provinces, as well as the five additional provinces of concern, remains a valid indicator that these areas are centers of illegal activity in relation to marine turtle trafficking and trade.



Table 2: Marine turtle cases by province 2010-2019

Province	No. Cases	Province	No. Cases	Province	No. Cases
Ho Chi Minh	71	Binh Duong	8	Tra Vinh	2
Ba Ria Vung Tau	57	Bac Lieu	8	Long An	2
Kien Giang	32	Quang Tri	8	Hoa Binh	2
Ha Noi	41	Binh Dinh	8	Dak Lak	2
Khanh Hoa	34	Binh Thuan	7	Can Tho	2
Thua Thien Hue	21	Ben Tre	7	Vinh Phuc	1
Quang Ninh	19	Ninh Thuan	6	Ninh Binh	1
Quang Ngai	15	Thanh Hoa	6	Lam Dong	1
Phu Yen	11	Quang Binh	6	Ha Nam	1
Nghe An	13	Tien Giang	4	Gia Lai	1
Quang Nam	13	Thai Binh	4	Dong Thap	1
Da Nang	12	Nam Dinh	4	Binh Phuoc	1
Soc Trang	9	Hai Duong	3	Cao Bang	1
Ca Mau	10	Dong Nai	3	Lang Son	1
Hai Phong	10	An Giang	3		
Ha Tinh	10	Vinh Long	2		

3. Marine Turtle Consumer Crime Reduction

A marine turtle consumer crime reduction campaign was carried out by ENV at ONLY tourist attraction areas in five hotspots as identified above: Hanoi, Ho Chi Minh, Khanh Hoa, Ba Ria – Vung Tau, and Kien Giang. The selected areas included: part of Hoan Kiem and Hai Ba Trung districts of Hanoi; sample areas in District 1 and 5 of Ho Chi Minh City; a sample area in Nha Trang city in Khanh Hoa province; and an area of Ha Tien town in Kien Giang province. ENV targeted mainly souvenir shops and other types of shops where hawksbill and green sea turtle trophies and products such as handicrafts and jewelry made from marine turtle shell are often sold. In total, 434 souvenir shops were inspected during the survey period.



Inspection teams documented violations and logged cases on ENV’s Wildlife Crime Incident Tracking System. The cases were then classified by jurisdiction and reported to the appropriate law enforcement agencies. ENV allowed 90 days for enforcement agencies to address violations before a second inspection was carried out at the same establishments where violations were previously recorded. Results from the second inspection are used to evaluate performance of relevant authorities in dealing with marine turtle crimes in their respective jurisdictions.

Table 3: Overall results

Criteria	Definition	Results	Percentage
Prevalence of crime	Percentage of establishments with violations out of the total number inspected	37 establishments with violations out of 434 inspected	9%
Crime reduction success rate	Reduction in the number of establishments violating the law as a result of efforts by authorities	21/37 establishments where violations were previously reported complied with wildlife protection laws as a result of efforts by authorities	56%

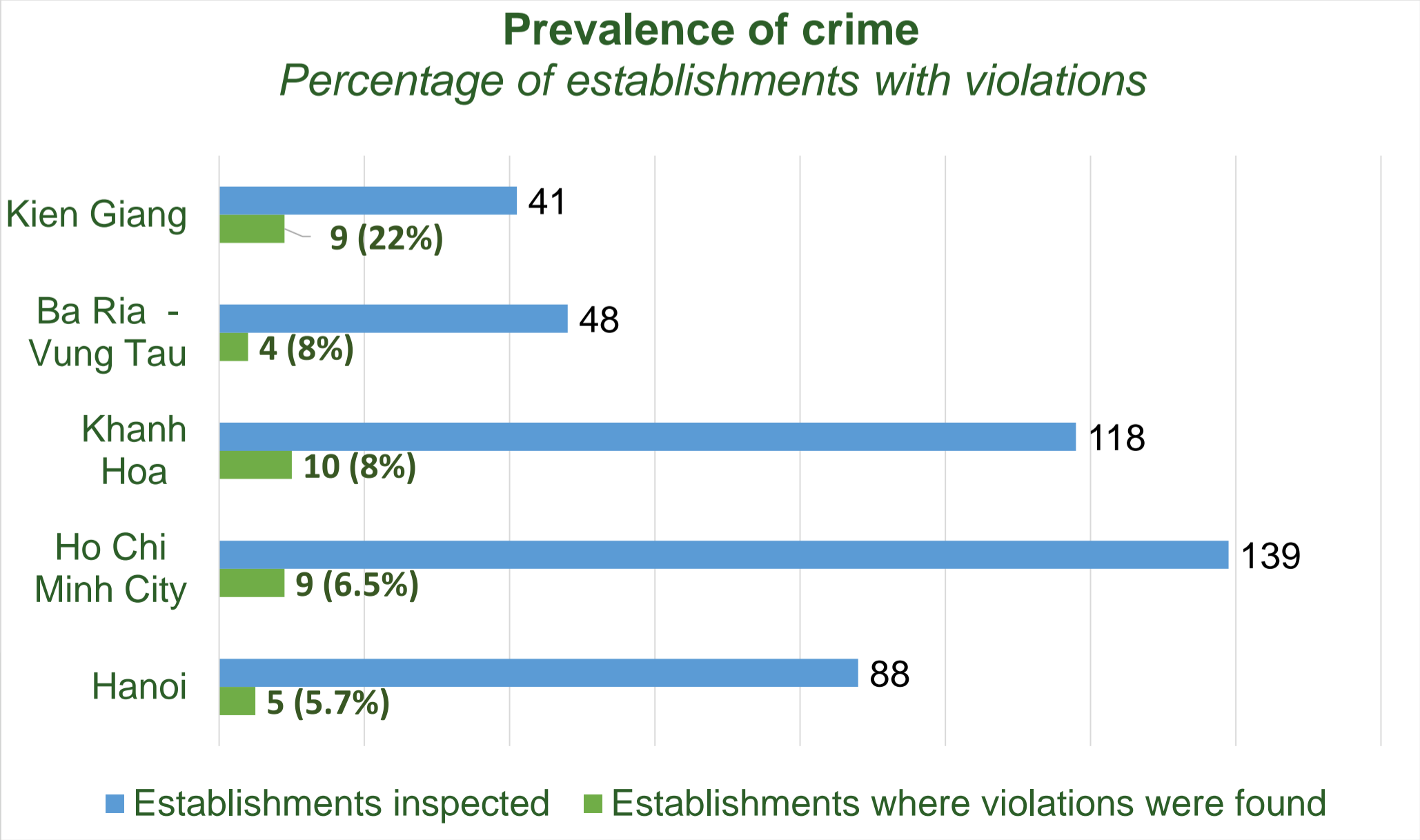
- *Enforcement campaign period: March – October 2018.*
- *The campaign was carried out at the tourist attraction areas in five provinces and cities in Vietnam, including: Hanoi (Hoan Kiem and Hai Ba Trung), Ho Chi Minh City (District 1 and 5), Khanh Hoa (Nha Trang), Ba Ria – Vung Tau (Vung Tau), and Kien Giang (Ha Tien).*
- *Number and type of establishments where violations were found: 37 souvenir shops.*
- *The most common violations were the display of marine turtle trophies and products such as bracelets, glasses and hairclips for sale.*
- *A majority of the trophies and products observed were made from hawksbill marine turtles (Eretmochelys imbricata), with a smaller number of green sea turtle (Chelonia mydas) trophies.*

The overall crime reduction rate was 56%, which is reasonable. However, it's expected that relevant authorities should be able to successfully remove 90-100% of reported violations, especially when the prevalence of marine turtle related violations is not significant, only 9% (37 souvenir shops out of 434 establishments).

Table 4: Marine turtle products (by type) observed during the inspections

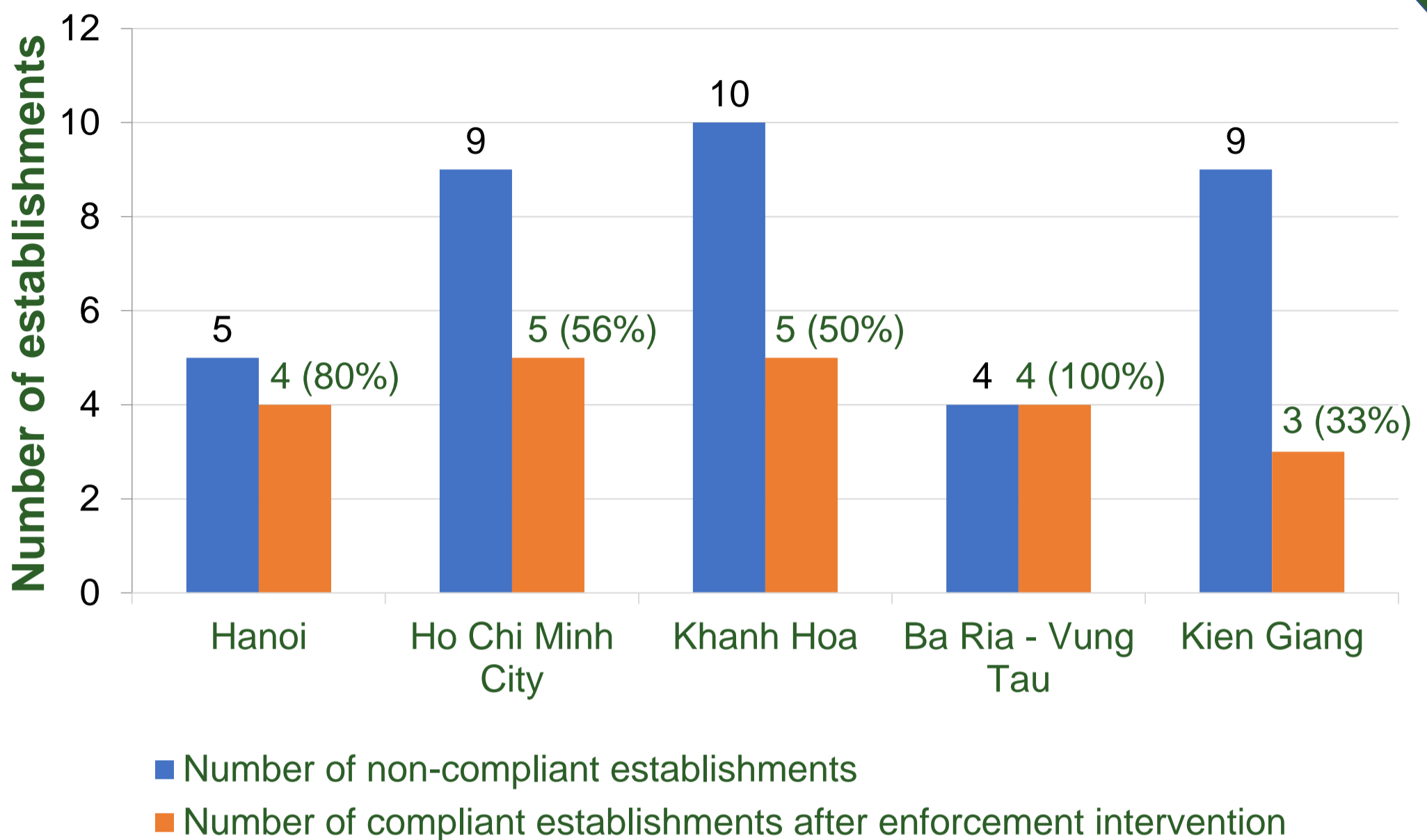
Product	No. of violations	% of violations
Bracelet	31	38.8%
Trophy	15	18.8%
Hand fan	8	10.0%
Comb	5	6.3%
Glasses	5	6.3%
Hairclip	4	5.0%
Pendant	4	5.0%
Ring	3	3.8%
Pipe	2	2.5%
No details	2	2.5%
Key chain	1	1.3%
Total	80	

Comparison of Performance



Crime reduction success rate

Reduction in the number of establishments violating the law



Prosecution

During the reporting period, there were 22 criminal cases involving marine turtles. Of these 22 cases, 28 were subjects arrested, 11 of which were convicted in the eight cases that were prosecuted.

Eight of the 11 subjects convicted received prison terms ranging from six months to 10 years, while three other convictions resulted in suspended sentences for five individuals. Two of the 21 criminal cases are currently pending prosecution.

Fourteen cases did not result in prosecutions, three of which resulted in no arrests, and two of which involved arrests but no prosecution. The seven remaining cases resulted in administrative punishment.

Table 5: Prosecution cases

Prosecutions	No. cases	No. subjects
Total criminal cases	22	28
Total convictions/prosecutions	8	11
Number cases resulting in prison sentences	5	8
Number of cases resulting in suspended sentences	3	5
Pending prosecution	2	3
Administrative punishment	7	9
Subject not caught	3	N/A
Subject not punished	2	3

Table 6: Convictions resulting in prison sentences

Case No.	Incident date	Location	Seizure description	Prison term
2001	Nov-Dec 2014 Pros 2018	Khanh Hoa	Estimated 10 tonnes of marine turtles seized	Subj1: 4 yrs 6 mos
9914	June 17, 2016	Ba Ria Vung Tau	116 eggs seized on Con Dao	Subj1: 10 mos, 17 days
13221	Sept 1, 2018	Kien Giang	12 live marine turtles	Subj1: 5 yrs 3 mos. Subj2: 5 yrs
13583	Nov 12, 2018	Kien Giang	12 live marine turtles	Subj1: 5 yrs Subj2: 6 mos
14736	Oct 15, 2018	Hanoi	14 marine turtle trophies	Subj1: 10 yrs Subj2: 8 yrs, 6 mos

Important Result

Of five cases resulting in convictions and prison sentences, four of these convictions occurred in 2018-2019. Prior to 2018, only one case resulted in a prison term marking a change for Vietnam.

It should also be noted that prior to the 2014 case involving the seizure of approximately 10 tonnes of marine turtles from a warehouse in Khanh Hoa and subsequent arrest, prosecution and imprisonment of one of the owners there were at least six other sizeable domestic seizures of marine turtles totaling about 2.5 tons of marine turtles, none of these cases resulting in successful prosecutions.

3. Challenges Ahead

Targeting high-level traders:

It is a priority for law enforcement agencies to target criminal enterprises and their leadership, undertaking in-depth investigations that focus on arresting and prosecuting “kingpins” for their role in leading criminal enterprises that profit from organized criminal activity trafficking endangered wildlife.

Establishing a strong deterrence:

Law enforcement agencies and the courts should apply the Penal Code to its fullest extent, especially in ALL serious cases involving marine turtles and when prosecuting key members of major criminal networks, exercising “zero tolerance, zero sympathy, zero self-interest” in marine turtle trafficking cases. Effective deterrence should be promoted regularly through media and other platforms/methods.

Focusing on nesting stronghold for marine turtles:

There are a small number of marine turtle nesting strongholds in Vietnam. More efforts should be made to protect marine turtles in these strongholds through reducing and eliminating consumer demand for marine turtles, strengthening stakeholder support and protection for green turtles, and mobilizing greater support within provincial and central government to protect marine turtles in these strongholds.

Reduce consumer demand for marine turtles:

Implement comprehensive awareness campaigns to raise public awareness and reduce consumer demand for marine turtles, as well as address the apparent increased demand from tourists of other nationalities, with particular concern focused on Chinese visitors.

For more information about how we can work together,
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Find ENV's guidance on Wildlife protection law **here** (<http://www.env4wildlife.org>)