

Legal framework to address wildlife and timber trafficking in the ASEAN region

A rapid assessment



Non-sales unedited

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LIST of ACRONYMS

AML	Anti-money laundering
AMMTC	ASEAN Ministers Meeting on Transnational Crime
AMS	ASEAN member State
AMSs	ASEAN member States
ASEAN	Association of South East Asian Nations
ASEAN-WEN	ASEAN Wildlife Enforcement Network
BN	Brunei Darussalam
CFT	Counter Terrorist Financing
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
FATF	Financial Action Task Force
ID	Indonesia
KH	Cambodia
LA	Lao PDR
MLAT	ASEAN Mutual Legal Assistance Treaty on Criminal Matters
MM	Myanmar
MY	Malaysia
PH	Philippines
SG	Singapore
SOMTC	Senior Officials Meeting on Transnational Crime
TH	Thailand
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
VN	Viet Nam
WTT	Wildlife and timber trafficking

KEY FINDINGS

- All ASEAN member States (AMSs) frame offences against wildlife and forests as “serious crimes”, either by explicit reference in their national legislation or de facto through reference to existing international standards set in the UN Convention against Transnational Organized Crime (UNTOC).¹
- Although the Senior Officials Meeting on Transnational Crime (SOMTC) have no agreed regional definition of wildlife and timber trafficking, all AMSs include in their domestic legal frameworks specific provisions that prohibit the exploitation of wildlife and forest resources, the destruction of forest, the killing of wildlife, and the possession, selling, importing, exporting and trading of wildlife and forest products.
- Despite several similar provisions available to prosecute offenders of these crimes, the levels of penalty vary significantly from country to country. The need to harmonize regional standards and approaches to penalties should be considered as a priority.
- Being recognized as a “serious crime” by all AMSs, the trafficking in wildlife and timber can be considered as a predicate offence for anti-money laundering investigations in nearly all AMSs.
- The trafficking in wildlife and timber is eligible for requests for mutual legal assistance in nearly all AMSs.
- All ten AMSs are parties to the UNTOC, the UN Convention against Corruption (UNCAC), the International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation – the Financial Action Task Force (FATF) Recommendations – and the ASEAN Mutual Legal Assistance Treaty in Criminal Matters (MLAT). This unified adherence to internationally recognized legal instruments provides a sound and undisputed legal basis for criminal justice cooperation in the field of wildlife and timber trafficking.

¹ Article 2 of the Convention defines “serious crime” as conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

1. Background

The trafficking in wildlife and timber in Southeast Asia and the Pacific continues to increase and exceeds an annual value of US\$20 billion, which corresponds to roughly one fourth of the total financial value of transnational organized crime flows in the region.² The illegal exports of timber-based products from and within the region is estimated to be the second biggest criminal financial flow after the illegal trade of counterfeit goods.³

The demand for rare wildlife parts has grown in many Asian markets due largely to increased wealth in the region. Its impact is devastating, not only on Asian biodiversity, but also on species originating in other continents. For instance, due to the alleged healing properties in Asian traditional medicine, the number of rhinos that are poached for their horns every year in South Africa has risen dramatically from 13 in 2007 to 1,215 in 2014. Besides threatening the existence of wild animals, this illegal trade has become highly profitable and conducive to a significant amount of corruption and money laundering.

Against this background, in 2012 over 400 parliamentarians, ministers, and senior government officials convened for the 33rd ASEAN Inter-Parliamentary Assembly (AIPA) General Assembly in Lombok, Indonesia, and approved a resolution to strengthen law enforcement and regional cooperation in order to combat wildlife crime.⁴ The resolution called upon AIPA member Parliaments to place wildlife crime onto the permanent agendas of the ASEAN SOMTC and ASEANAPOL (ASEAN Chiefs of Police).

The same message was reiterated at the 22nd APEC Economic Leaders' Meeting, where participating leaders committed to treat wildlife trafficking crimes seriously and to continue efforts in combating wildlife trafficking through international cooperation to reduce the supply of, and demand for, illegally-traded wildlife.

In 2013 the United Nations Economic and Social Council (ECOSOC) issued Resolution 2013/40, which encourages all member States to promote bilateral, sub-regional, regional and international cooperation to

make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups as a serious crime, as defined in article 2, paragraph (b), of the UNTOC, in order to ensure that adequate and effective means of international cooperation can be afforded under the Convention in the investigation and prosecution of those engaged in illicit trafficking in protected species of wild fauna and flora.

In August 2013 the Foreign Ministers from the East Asia Summit (EAS) endorsed wildlife crime as being a new threat under the Non-traditional Security and Non-proliferation purview in the region.⁵ This was adopted by the leaders at the 9th EAS in November 2014, where the Heads of all ASEAN member States – as well as those from Australia, People's Republic of China, Republic of India, Japan, Republic of Korea, New Zealand, Russian Federation, and the United States of America – agreed on the East Asia Summit Declaration on Combating Wildlife Trafficking. In particular, this document requested the ASEAN Ministers Meeting on Transnational Crime (AMMTC) to consider recognizing environmental crime as a serious transnational crime. The need for harmonization was recognised by the Leaders at the East Asia Summit (EAS) Declaration, which declared, inter alia, to:

² *Transnational Organized Crime in East Asia and the Pacific – A threat Assessment*, UNODC, 2013.

³ *Ibid.*

⁴ Res33GA/2012/Org07 "Strengthening Law Enforcement and Regional Cooperation to Combat Wildlife Crime".

⁵ Chairman's Statement of 4th East Asia Summit (EAS) Foreign Ministers' Meeting on 10 August 2014 in Nay Pyi Taw, Myanmar.

- support the harmonization of environmental laws to combat transnational crime and link wildlife crime with the UN Convention against Transnational Organized Crime and the UN Convention against Corruption; and
- encourage the harmonization of legal and administrative regulations to support the exchange of evidence and criminal prosecution of wildlife crime.

2. Limitations to the analysis

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. In particular, when governments have similar provisions to investigate these crimes, cooperation can be very effective. Intended to fill a significant knowledge gap between the legal frameworks surrounding the issue of environmental crimes, this paper tries to establish a baseline of relevant laws among the ten member States of the Association of Southeast Asian Nations (ASEAN).

Rather than attempting to analyse all forms of environmental crimes, this paper will restrict its focus to the area of wildlife and timber trafficking. The reason for this limited scope is twofold: first, the illegal trade of these commodities has undergone unprecedented growth over the past decade, attracting widespread condemnation from the international community due to the disastrous impact on the planet's biodiversity; second, by narrowing down the list of all possible forms of environmental crimes, this document is able to focus on a more manageable set of laws and regulations, with a view to identifying those minimum common denominators that can help foster international cooperation in such legal matters.

In particular, this report prioritizes analysis of the grey legal area that lies between what we call “environmental laws” and “criminal justice laws”, with an inevitable degree of attention towards the international trade regulations with regard to the trade in endangered wild fauna and flora, pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

There are numerous laws that can be utilized to prosecute a case of trafficking in wildlife and/or timber. Examples of such laws include the penal codes, the laws on anti-money laundering (AML) and anti-corruption, as well as various other provisions, such as customs laws, quarantine regulations and specific wildlife laws. The analysis here was conducted on translated laws, which are susceptible to varied interpretations by a foreign reader. It is also undeniable that there are many interpretations given by court jurisprudence in each country that may not have been captured by a simple analysis of the legal texts. This is particularly true for those ASEAN member States whose legal systems are based on common law.

ANNEX I provides a list of laws that were referred to and/or reviewed for the purpose of this paper. However, it is recognized that alternative relevant laws and regulations may exist that this paper has not considered. For this reason, this working paper should be considered as providing a baseline for future comprehensive studies.

The main objective of the analysis in this paper was to provide a regional overview of the similarities and differences in the national legal frameworks that criminalize various wildlife and forest activities, particularly wildlife and timber trafficking across the ASEAN region. Although an analysis of domestic laws was necessary to conduct the research, this working paper 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.

3. International conventions, treaties and agreements

The ASEAN region is characterized by a generally high rate of adherence⁶ to international treaties and conventions on a wide range of topics. Some of these treaties are useful for building a regional legal basis for cooperation in the field of wildlife and timber trafficking. It must be highlighted that being party to a convention does not automatically translate into the adoption of standards and requirements within national legal frameworks. For this to happen, every party to a convention needs to enact new domestic laws or amend existing ones in cases where the current national framework does not match the requirements of the convention. In other cases, governments need to amend their domestic legal framework before becoming a party to an international treaty.

In the case of some conventions (e.g. UNCAC), parties have agreed to establish a voluntary review mechanism to assess the level of effective implementation of the provisions of the Convention at a national level. In other conventions, such as CITES, parties have agreed to empower the Secretariat to issue suspension measures in cases of non-compliance. In cases like the UNTOC, parties have yet to agree on the establishment of a review mechanism to monitor implementation.

TABLE 1

RELEVANT CONVENTIONS/TREATIES AND RELATED STATUS OF PARTICIPATION (RATIFICATION/ACCESSION) AMONG AMSs

Conventions, treaties and agreements		BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
1	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973	●	●	●	●	●	●	●	●	●	●
	Category 1 ⁷ (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)				● ⁸		●				
2	United Nations Convention against Transnational Organized Crime (UNTOC), 2003	●	●	●	●	●	●	●	●	●	●
3	United Nations Convention against Corruption (UNCAC), 2003	●	●	●	●	●	●	●	●	●	●
4	The International Convention on the Simplification and Harmonization of Customs Procedures (Revised Kyoto Convention), 1973 (amended in 1999)		●	●		●		●			●
5	WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 1995	●	●	●	●	●	●	●	●	●	●
6	Convention on Biological Diversity (CBD), 1992	●	●	●	●	●	●	●	●	●	●

⁶ Adherence is the process of becoming a party to a treaty by ratification or accession. This working paper does not intend to analyze the actual compliance with the obligations contained in treaties.

⁷ Source: Sixty-fifth meeting of the Standing Committee, Geneva (Switzerland), 7-11 July 2014, Interpretation and implementation of the Convention, Compliance and enforcement, available at: <http://cites.org/sites/default/files/eng/com/sc/65/E-SC65-39.pdf>

⁸ Lao PDR received a notification of trade suspension (No. 2015/013) by the CITES Secretariat on 19 March 2015.

Conventions, treaties and agreements		BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
7	Convention concerning the Protection of the World Cultural and Natural Heritage, 1972	●	●	●	●	●	●	●	●	●	●
8	ASEAN Mutual Legal Assistance Treaty on Criminal Matters (MLAT), 2004	●	●	●	●	●	●	●	●	●	●
9	International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation – the Financial Action Task Force ⁹ (FATF) 40+9 Recommendations, 2012	●	●	●	●	●	●	●	●	●	●
	• High-risk and non-cooperative jurisdictions ¹⁰						●				
	• Improving global AML/CFT compliance: ongoing process ¹¹			●	●						
10	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC), 1972	●	●	●	●	●	●	●	●	●	●

As highlighted above, the ratification of a convention should not be considered as an automatic attestation to the quality of the domestic legal framework. Yet, it must be recognized that by ratifying the same conventions, AMSs demonstrate an intention to address a specific topic at the domestic and international levels. Therefore, in relation to the trafficking of wildlife and timber, it may be considered positive that the AMSs have a 100 per cent rate of ratification of, or accession to, the following instruments:

- (a) United Nations Convention against Transnational Organized Crime (UNTOC)
- (b) United Nations Convention against Corruption (UNCAC)
- (c) ASEAN Mutual Legal Assistance Treaty on Criminal Matters (MLAT)
- (d) International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation (FATF)
- (e) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

The abovementioned treaties place great importance on international cooperation among members and can be used as both legal and operational platforms to provide and receive cooperation among AMSs on matters related to transnational crimes – items (a) to (d) – and on international trade of endangered wild fauna and flora – item (e). Yet, what remains to be determined is whether the trafficking of wildlife and timber can be considered a form of transnational organized crime, especially under the conditions set out in the UNTOC. This aspect will be analyzed further in sections 4 and 5.

⁹ For more information on FATF see section 7 – National laws on anti-money laundering.

^{10, 11} Source: FATF Public Statement, February 2015, available at: <http://www.fatf-gafi.org/topics/high-riskandnon-cooperativejurisdictions/>.

4. Definition of relevant offences

In the *Wildlife and Forest Crime Analytic Toolkit*, published in 2013, UNODC referred to “wildlife and forest crimes” as the taking, trading (supplying, selling or trafficking), importing, exporting, processing, possessing, obtaining and consumption of wild fauna and flora, including timber and other forest products in contravention of national or international law.¹² In this section, some such activities that constitute an offence have been compiled in table 2.

The review exercise revealed that all AMSs have relatively comprehensive national CITES enabling laws and legal frameworks that outline offences connected to the trafficking of wildlife and/or timber. Violations are clearly stipulated in existing laws with the appropriate penal provisions or fines, either directly under the CITES enabling laws or with an ancillary law (e.g. the penal code).

All AMSs have varying degrees of provisions on the possession of prohibited or protected wildlife and timber species. Normally annexed under legislation, it is possible to find a list of species that are granted protection or whose trade must be authorized by competent authorities. However, possession of a non-native species, sometimes not included on the annexed lists of protected or reserved species, is a challenge from a legal standpoint.

TABLE 2

ELEMENTS OF WILDLIFE AND FOREST CRIMES IN NATIONAL LEGAL FRAMEWORKS¹³

Definitions of illegal or strictly regulated acts	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
Capturing wildlife; exploitation or collection of wildlife by-products or derivatives, including active nests, nest trees, host plants and the like	● (1) (3) (4)	● (1)	● (2) (3)	● (1) (2) (3) (5)	● (2) (4)	● (1) (2) (3)	● (1) (2) (3)	● (3)	● (1) (2) (3)	● (3) (5)
Destruction/killing or destroying wildlife species	● (1) (3) (4)	● (1) (2)	● (2) (3)	● (2) (3)	● (2) (4)	● (1) (3)	● (1) (2) (3)	● (3)	● (1) (2) (3)	● (2)
Hunting	● (1) (4)	● (1)	● (5) (9)	● (2) (5)	● (2) (4)	● (1) (3)	● (1) (2) (3)	● (1)	● (1) (2) (3) (4)	● (2)
Poisoning, shooting, inflicting injury, harm, trapping	● (1) (3) (4)	● (1) (2)	● (2) (9)	● (2) (3)	● (2) (4)	● (1) (3)	● (1) (2) (3)	● (3)	● (1)	● (2) (5)
Consumption				● (1) (2) (3)	● (4)					● (5)

¹² Cf. John E. Cooper, Margaret E. Cooper and Paul Budgen, “Wildlife crime scene investigation: techniques, tools and technology”, *Endangered Species Research* (2009), p. 1, with further references.

¹³ The dots represent definitions explicitly used in the laws. The numbers in brackets under the dots refer to the relevant national laws of the respective AMS as set out in Annex I.

Definitions of illegal or strictly regulated acts	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
Possession of wildlife by-products or derivatives	● (1) (3) (4)	● (1)	● (2) (5)	● (2) (3)	● (1) (4)	● (1) (3)	● (1) (2) (3)	● (1)	● (1) (2) (3) (4)	● (3)
Artificial propagation and commercial breeding	● (4)	● (2) (3)	● (2) (4) (5)	● (2)	● (1)	● (1)	● (1) (3)	● (1) (3)	● (1) (2) (3)	● (3)
Processing	● (3)	● (1)	● (3)	● (3)	● (9)	● (2)	● (1) (2) (3)			● (5)
Introduction, reintroduction or restocking of endemic or indigenous wildlife; introduction of exotic, non-native species; introduction from the high seas	● (2) (4)	● (3)	● (6)		● (1)		● (1) (3)	● (1)		● (3)
Importing	● (2)	● (2)	● (3) (5)	● (2) (3) (6)	● (1) (2)		● (1) (3)	● (1)	● (1) (2) (3) (4)	● (3)
Exporting	● (2)	● (1) (3)	● (3) (5)	● (2) (3) (6)	● (1) (2)	● (1)	● (1) (3)	● (1)	● (1) (2) (3)	● (3)
Re-exporting	● (2)	● (3)	● (5)	● (2) (3)	● (1)		● (1) (3)	● (1)	● (1) (2) (3)	● (3)
Offer for sale	● (2)	● (2)			● (1)			● (1)		
Purchasing	● (3)			● (2) (3)	● (2)		● (1)		● (1)	● (3) (11) (13)
Selling/trading	● (2)	● (1)	● (2)	● (3)	● (1) (2) (4)	● (1) (3)	● (1) (3)	● (1)	● (1) (2) (3) (4)	● (3)
Trafficking/transporting		● (2)	● (5)	● (1) (2) (3)	● (1)	● (1) (3)	● (1)	● (1)	● (1)	● (2)

5. Summary of key provisions of enabling laws

For the purpose of this report we have considered “wildlife and timber trafficking” (WTT) as all acts of trading and dealing in illicit wildlife or timber, whether selling, importing/exporting/re-exporting or purchasing. Depending on the domestic legal framework, these acts can be dealt with as administrative cases, criminal cases, or both. As mentioned at the beginning of section 4, a commodity (wildlife, wildlife parts, timber or timber-based products) is determined to be illicit if it does not comply with national or international laws and regulations. Where national laws explicitly prescribe criminal penalties (imprisonment or monetary fines) to punish behaviours of non-compliance, we refer to it as criminalization.

All AMSs have criminalized both wildlife and timber trafficking. Wildlife trafficking is a serious crime in all AMSs, whether by specific stipulation within their national laws or by compliance with the definition of “serious crime” pursuant to UNTOC (to which all AMSs are a party). In the case of Brunei Darussalam, Malaysia and Thailand, both criteria are satisfied.

As observed in the previous section, all AMSs already have relatively comprehensive national CITES enabling laws, covering wildlife and forest offences that extend beyond wildlife trafficking into areas such as possession, hunting, confiscation, exploitation and protection of forest and natural habitat. As wildlife crime becomes increasingly transnational and organized in nature, it is encouraging to note that some AMSs have included the African elephant (*Loxodonta africana*) in their list of protected species.

TABLE 3

KEY PROVISIONS OF CITES ENABLING LAWS¹⁴

	Provisions in the CITES enabling laws	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
1.	Criminalization of trafficking per existing laws or penal provisions of (a) wildlife; and	● (1) (2) (4)	● (1) (2) (3) (5)	● (2) (3) (5)	● (2) (3) (5)	● (1) (2) (3) (4)	● (1) (2) (3)	● (1)	● (1) (2) (3)	● (1) (8)	● (2) (3) (5) (6)
	(b) timber	● (3)	● (1) (3)	● (2) (3) (5)	● (3) (5)	● (1) (3) (4)	● (1) (2)	● (1)	● (1)	● (5) (6) (7) (8)	● (2) (3) (5)
2.	Provisions in the penal code exist which cover/complement violations of relevant wildlife trafficking	● (6)	● (6)	● (12)	● (5)	● (9)	● (5)	● (8)	● (8)	● (10)	● (2)
3.	Wildlife trafficking is a serious crime: (a) punishable by a maximum of four years imprisonment or a more serious penalty; or	● (1) (2) (3) (4)	● (1) (2) (5)	● (2) (3)	● (2) (3) (5)	● (1) (2) (4)	● (1) (3)	● (1) (2) (3) (6)		● (1) (2) (5) (6)	● (2)

¹⁴ The dots indicate that there are existing laws for the corresponding items. The numbers in brackets under the dots refer to the relevant national laws of the respective AMS as set out in Annex I.

	Provisions in the CITES enabling laws	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
	(b) as prescribed by national laws	● (5)				● (6)			● (9)	● (12)	
4.	Non-native wildlife species protected under the national law regulating CITES implementation	● (1) (4)	● (3)		● (2)	● (1) (4)		● (1)	● (1) (3) (12)	● (1)	● (3)
5.	For both native and non-native wildlife species, domestic laws provide the mechanism to review and update the protected species list		● (3)	● (4)	● (2)	● (1) (2) (4)		● (1)	● (1) (3)	● (1)	● (3) (5) (13)
6.	Domestic laws set out a system for hunting concessions	● (2)	● (1) (2) (5) (9)	● (9)	● (2)	● (2) (3) (4)	● (1) (2) (3)	● (1)	● (3)	● (1)	● (1) (5)
7.	Domestic laws set out rules for the transportation and importing/exporting of wildlife species, including plants (and their derivatives), live animals, dead animals, trophies, animal parts and products made from wildlife	● (1) (2) (3) (4)	● (1) (2)	● (4) (5) (6) (10)	● (2) (3) (4)	● (1) (2) (3) (4)	● (1) (3) (8) (9)	● (1)	● (1) (2) (3)	● (1) (8)	● (3) (5) (14)
8.	Domestic laws (i.e. CITES laws) provide for possession of illegal wildlife	● (1) (2) (3) (4)	● (1) (3) (5)	● (2) (3) (5)	● (2)	● (1) (2) (3) (4)	● (1) (3)	● (1)	● (1) (3) (11)	● (1) (2) (3) (4) (5) (7)	● (2) (3) (4) (5) (6) (19)
9.	Domestic laws (i.e. CITES laws) provide for the confiscation of illegally traded or possessed wildlife	● (1) (2) (3) (4)	● (1) (2) (3) (5)	● (2) (3) (5) (6)	● (2)	● (1) (2) (3) (4)	● (1) (2) (3)	● (1)	● (1) (2) (3)	● (1) (2) (3) (4) (5) (7)	● (4) (5) (6) (15)
10.	Confiscated specimens are allowed to be sold		● (1) (2) (5) (6)	● (3) (6) (8)		● (2) (3)	● (1)	● (1)	● (2)	● (2) (5) (7)	● (4) (5) (6)
11.	Conservation fund wherein proceeds from seized assets of wildlife offences go to a dedicated wildlife fund, which can be used by enforcement agencies of WENs		● (1) (5)			● (1)		● (1)			● (1)
12.	Domestic laws provide rules for Internet trade in wildlife							● (1)			

6. Regional comparison of penalties under existing national laws implementing CITES

The following analysis of existing national laws that criminalize the trafficking of wildlife and timber provides an overview of the differences in penalties imposed by the different policies and legislation of the AMSs. It appears that all AMSs have a relatively solid legal foundation to address wildlife and forest crimes. However, the legislative provisions in each country appear to vary significantly, as a result of different legal structures and national policies.

The information on maximum imprisonment and fines provides insight into the issue. It is important to recall that, according to article 2 of the UNTOC in reference to “serious crimes”, these offences are punishable by a maximum deprivation of liberty of at least four years. Table 4 illustrates the maximum penalties associated with crimes committed under each AMS’s national wildlife and forest related laws.

TABLE 4
REGIONAL COMPARISON OF PENALTIES ASSOCIATED WITH WILDLIFE AND FOREST CRIMES

ASEAN member States	Maximum imprisonment term (years)	Maximum fines (USD) ¹⁵	
		Natural persons	Legal persons
Brunei Darussalam	5 (1) (3) (4)	369 823 (3)	147 929 (1)
Cambodia	10 (5) (1)	37 566 (5)	62 610 (5)
Indonesia	10 (3)	794 786 (3)	Addition of 1/3 of decided sanction (3)
Lao PDR	5 (2) (5)	617 (5)	
Malaysia	10 (1)	275 558 (1)	551 116 (1)
Myanmar	7 (1) (3)	49 (1) (3)	
Philippines	20 (3)	113 404 (1)	
Singapore	2 (1)	369 823 (1)	
Thailand	7 (1)	183 150 (4)	
Viet Nam	7 (2)	46 838 (19)	93 677 (19)

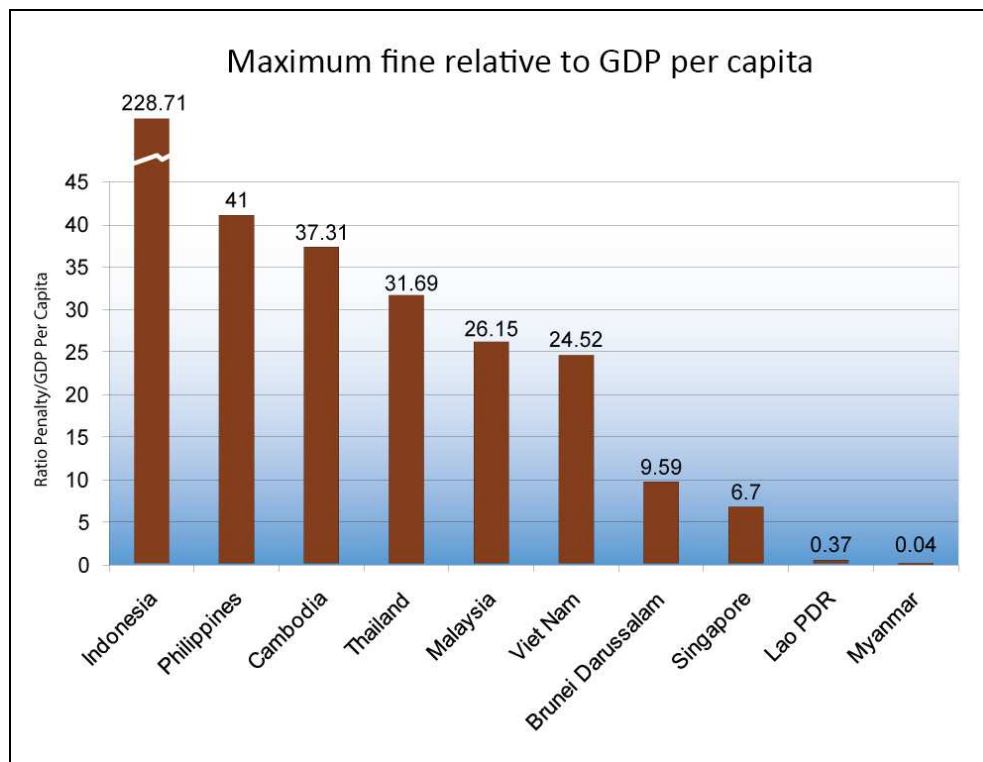
From the table above it seems that all AMSs provide a maximum penalty of 4 years or more, except for Singapore, which explicitly mentions the relevant offences under the *Endangered Species (Import and Export) Act* (Act 5 of 2006) and the *Wild Animals and Birds Act (Cap 351)* as serious crimes under the *Corruption, Drug Trafficking and Other Serious Crimes Act*. Therefore, it is clear that within the ASEAN region, all States have sufficient domestic legal provisions to treat wildlife and forest crimes as serious crimes.

¹⁵ All amounts are converted from local currency into US dollars by using the UN exchange rates from 1 February 2015.

The considerations above, combined with the fact that all AMSs are parties to the UNTOC, illustrate that within ASEAN, the UNTOC can be considered as the legal basis for international cooperation in criminal matters in the field of wildlife and forest crimes, especially through mutual legal assistance, information exchange and joint/parallel operations.

In terms of monetary fines to punish offenders of wildlife and forest crimes, the regional picture is highly diverse. It is also worth noticing that monetary fines are generally a poor indicator of deterrence, as the value of the penalty – even in those countries with the highest fines – can be far below the actual value of the damage caused to the environment or the profits generated by offenders.

The chart below shows the ratio between the maximum fine for wildlife and forest crimes and the GDP per capita in each AMS.¹⁶ This indicator is useful to understand, first of all, whether all AMSs adopt a similar approach in determining the level of monetary penalties. Secondly, it illustrates the degree to which penalties are set relative to the wealth of individuals.



The maximum penalty ranges greatly from 0.04 to 230 times the GDP per capita. It is clear that there is no common approach towards the establishment of monetary fines and a higher level of harmonization across the region is necessary to prevent safe havens for transnational offenders.

¹⁶ Source: The World Bank, Data, GDP (current US\$), 2013, available at: <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD>.

7. National laws on anti-money laundering

Global money laundering activities impose significant costs on the ASEAN Economic Community by damaging the effective operations of national economies. Even in the case of WTT there is evidence that cash revenues from the illegal trade of timber and wildlife enter the formal financial system to conceal their true origin.

Wildlife and timber trafficking is a predicate crime under the laws governing anti-money laundering activities in 9 out of 10 AMSs, either by direct stipulation or by inference. This is considered significant, in that the AMSs recognize that wildlife trafficking is a part of organized crime activities and should, therefore, be treated as such by the criminal justice system. It is also an acknowledgement by AMSs that wildlife law enforcement goes beyond wildlife laws and requires other non-wildlife specific laws. Collaboration between different relevant agencies 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 the AMSs have specific legislation in place to criminalize money laundering offences. However, each State has adopted its own approach to AML and compliance with the standards set by the FATF remains a challenge.¹⁷ A case in point is demonstrated 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 AML laws varies widely, from 5 years in Cambodia and Malaysia to 20 years in Indonesia. Also, the information on maximum fines indicate a wide range of penalties, between US\$6,105 in Thailand to almost US\$40 million in Indonesia. It is clear that member States would benefit from the harmonization of penalties to prevent the flow of illicit financial transactions.

Without adequate compliance with regional standards by all member States, launderers may find an incentive to operate through those countries where financial investigations and AML prosecutions are not consistently initiated or where penalties are particularly low.

¹⁷ The FATF is an inter-governmental body established in 1989 by the Ministers of its member jurisdictions. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. The FATF is therefore a “policy-making body” which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas (<http://www.fatf-gafi.org/pages/aboutus/>, accessed on 26 March 2015).

TABLE 5
REGIONAL ANTI-MONEY LAUNDERING LAWS

ASEAN member States	National law on anti-money laundering	Maximum fines in USD		Max. imprison.	WTT as predicate offence
		Natural persons	Legal persons		
Brunei Darussalam	Criminal Asset Recovery Order, 2012, section 3	369 823	739 646	10 years	●
Cambodia	Law on Anti-Money Laundering and Combating Financing of Terrorism (NS/RKM/0607/014) and its amendments, article 29	25 044 or the value of fund or property that was subject to money laundering	125 220	5 years	●
Indonesia	Act No. 8/2010 on Prevention and Eradication of Money Laundering, articles 3-5	39 739 310	79 478 620	20 years	●
Lao PDR	Penal Law, 2005, article 64	One third of the laundered amount		3 years	●
	Law on Anti-Money Laundering and Counter-Financing of Terrorism, February 2015, article 64	86 398		10 years	
Malaysia	Anti-Money Laundering and Anti-Terrorism Financing Act, 2001, article 4	1 377 790		5 years	●
Myanmar	Anti-Money Laundering Law, 2014, sections 43-52		487 805	10 years	
	The Control of Money Laundering Law (The State Peace and Development Council Law No. 6/2002) 1364 M.E., section 22			Unlimited period	
Philippines	Anti-Money Laundering Act, RA 9160, as amended/29 September 2001, section 14	68 043 or twice the value of the monetary instrument or property involved in the offense		14 years	●
Singapore	Monetary Authority of Singapore Act, chapter 186, 1970, revised in 1999, section 27B		739 646 In the case of a continuing offence further fines of 739 645 for every day during which the offence continues after conviction		●

ASEAN member States	National law on anti-money laundering	Maximum fines in USD		Max. imprison.	WTT as predicate offence
		Natural persons	Legal persons		
	Moneylenders (Prevention of Money Laundering and Financing of Terrorism) Rules 2009, 2008, section 11	73 965			
	Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, chapter 65A, 1992, revised in 2000, section 47	369 823	739 646	10 years	
Thailand	Anti-Money Laundering Act, B.E. 2542 (1999), as amended to Anti-Money Laundering Act (No. 4), B.E. 2556 (2013); Consolidated Counter-terrorism Financing Act, B.E. 2556 (2013), chapter VII (sections 60-61)	6 105	30 525	10 years	●
Viet Nam	Law on Prevention and Fighting against Money Laundering No. 07/2012/QH13, article 35				●
	Penal Code, 1999, article 251	Treble the amount of money or the value of the property		15 years	

8. Instruments of regional cooperation

International cooperation in criminal matters among criminal justice systems is an essential prerequisite to combating transnational organized crime. Informal and formal methods of international cooperation are important to deprive traffickers of their safe havens. There are different forms of international cooperation, such as extradition, mutual legal assistance, transfer of criminal proceedings, transfer of sentenced persons, joint investigations, and so on. 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. Judicial cooperation in criminal matters provides a more formal framework for cooperation compared with cooperation in law enforcement. The tools available are based on bilateral and multilateral agreements or – in the absence of such agreements – directly on national laws.¹⁸ This section analyses specifically the cooperation between ASEAN members through mutual legal assistance and extradition treaties.

Mutual legal assistance

MLA is the formal procedure by which actors of the criminal justice system cooperate across borders to conduct criminal investigations and collect evidence. MLA is primarily governed by international law, where bilateral or multilateral treaties impose obligations on states to cooperate under specific circumstances and to a certain extent. For procedural reasons, most countries enact national legislation to either codify a treaty, or to set a universal framework for all MLA requests. This development 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 concern both providing assistance and requesting it.

National legislation usually requires the existence of a bilateral or multilateral treaty that regulates assistance on an international level or a reciprocal guarantee. The most prominent example of such a treaty is the UNTOC, which contains detailed provisions on MLA and could be used as a basis for cooperation. In practice though, States parties have generally preferred a bilateral treaty between the requested and requesting States. The same thing is true of the UNCAC.

In 2004, the member States of ASEAN enacted the Treaty on Mutual Legal Assistance in Criminal Matters by Like-Minded ASEAN Member Countries. Depending on the legal system of each individual member State, it might be required to enact national legislation to ensure the effectiveness and applicability of the treaty. Today, seven out of ten member States have such domestic legislation. Regardless of whether or not the national legal system – monist or dualist – requires the incorporation of international law into domestic legislation to become binding or not, such legislation can be very effective.

In terms of WTT, these crimes are eligible for requests of MLA in all AMSs, with the exception of Cambodia, which has limited the eligibility of MLA to drug-related offences only, and the Philippines – where MLA is applicable only in anti-money laundering cases.

In conclusion, for the effective application of the treaty, it is necessary to have both a comprehensive treaty in place as well as national legislation that sets out the procedure domestically. Especially important for a speedy procedure is to have clear channels of communication and designated authorities to deal with requests.

¹⁸ *Anti-human trafficking manual for criminal justice practitioners, Module 6*, UNODC/UN.GIFT.

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, particularly with certain international crimes.¹⁹

Extradition is, in many ways, similar to MLA, but is generally subject to more stringent safeguards – both on a treaty level and with regard 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 States parties expressly request so. However, a major difference with the MLA regime is that there is no regional legal instrument that concerns extradition. The MLAT explicitly states (in article 2) that it is not applicable to extradition.

TABLE 6

INSTRUMENTS OF REGIONAL COOPERATION

ASEAN member States	National law on extradition	National law on mutual legal assistance	WTT eligible for MLA	Responsible authority ²⁰
Brunei Darussalam	Extradition Order, 2006	Mutual Assistance in Criminal Matters Order (2005)	●	Attorney General's Chambers
	Extradition (Malaysia and Singapore) Act (chapter 154) and Rules			
	Summonses and Warrants (Special Provisions) Act, chapter 155			
Cambodia	Criminal Procedure Code (chapter 2, part I)	None		Ministry of Justice
	Extradition (Kingdom of Cambodia) Regulations 2003; Statutory Rules, 2003, No. 34			
	Extradition Act, 1988			
Indonesia	Law on Extradition (Law No. 1 of 1979)	Law on Mutual Legal Assistance in Criminal Matters (Law No. 1 of 2006)	●	Department of Law and Human Rights
Lao PDR	Criminal Procedure Law, 2004, part XI	Criminal Procedure Law, 2004, article 117-120	●	Ministry of Justice
	Law on Extradition, 2012			
Malaysia	Extradition Act, 1992	Mutual Assistance in Criminal Matters Act (Act. 621 of 2002)	●	Attorney General

¹⁹ *Anti-human trafficking manual for criminal justice practitioners, Module 6*, UNODC/UN.GIFT.

²⁰ Source: *Criminal Justice and Law Enforcement Cooperation Among ASEAN member States: An Analysis of Mutual Legal Assistance Capacity*, UNODC, 2014.

ASEAN member States	National law on extradition	National law on mutual legal assistance	WTT eligible for MLA	Responsible authority ²⁰
Myanmar	Burma Extradition Act, 1904	Mutual Assistance in Criminal Matters Law (Law No. 4/2004); Mutual Assistance in Criminal Matters Rules, 2014	●	Ministry of Home Affairs
Philippines	Extradition Law, 1977 (Presidential Decree 1069)	None		Department of Justice
Singapore	Extradition Act, chapter 103, 1968 (chapter 103)	Mutual Assistance in Criminal Matters Act (Act 12 of 2000, as amended)	●	Attorney General's Chambers
	Extradition (Hong Kong SAR of the People's Republic of China) Notification, 1998, revised in 2000			
Thailand	Extradition Act, B.E. 2551 (2008)	Act on Mutual Assistance in Criminal Matters, BE 2535 (1992)	●	Attorney General
Viet Nam	Law on Legal Assistance (Law No. 08/2007/QH12)	Law on Legal Assistance (Law No. 08/2007/QH12)	●	The Supreme People's Procuracy of Viet Nam

Most AMSs have legislative provisions in place allowing bilateral agreements on extradition and all of them, with the exception of Myanmar, have negotiated and concluded a number of bilateral extradition treaties with one another. Thailand has signed the highest number of five extradition agreements with its ASEAN neighbours.

Bilateral extradition treaties can be tailored to meet the needs of signatory countries and they are also easy to amend to meet future needs. The ratification of these treaties is vital for jurisdictions that do not want to become safe havens for offenders and/or fugitives. A major constraint in their adoption is the significant amount of time and resources their negotiation requires, which is probably why the number of bilateral treaties within the ASEAN Community remains low.

Nevertheless, this gap is increasingly being closed as more ASEAN member States ratify the major UN crime conventions, such as UNTOC and UNCAC. It is really important for all AMSs to continue moving towards the ratification of these conventions and the negotiation of bilateral extradition treaties in order to close the remaining gap.

TABLE 7

MATRIX OF BILATERAL EXTRADITION ARRANGEMENTS

	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
BN					●			●		
KH				●					●	●
ID					●		●		●	●
LA		●							●	●
MY	●		●						●	
MM										
PH			●						●	
SG	●									
TH		●	●	●	●		●			
VN		●	●	●						

9. Conclusions

The existing literature indicates that trafficking in wildlife and timber is a profitable and expanding business for transnational criminal groups within the ASEAN region. The transnational nature of these crimes and their well organized perpetrators have been growing over the last decade.

An increasing number of political statements, resolutions and declarations are thus attempting to build the base for a regional response to the issue. At the national level, all AMSs contain in their domestic legal frameworks specific provisions to criminalize WTT. Despite differences among the legal frameworks of each AMS, there are significant similarities among the key criminal provisions for prosecuting wildlife and timber trafficking. Such trafficking is considered a “serious crime” in all domestic legal frameworks and, therefore, qualifies as a predicate offence for anti-money laundering investigations.

At the regional level, the AMSs enjoy a high level of adherence to key international agreements that promote international cooperation on criminal matters. In particular, all AMSs are parties to the UN Convention on Transnational Organized Crime, International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation, and the ASEAN Mutual Legal Assistance Treaty in Criminal Matters. Such international commitments, combined with existing provisions in domestic frameworks, provide sufficient legal infrastructure for extensive cooperation at the law enforcement, prosecutorial, and judicial levels.

Moreover, an absence of international or regional agreements specifically drafted to combat WTT should not preclude opportunities for cooperation. Nonetheless, this paper identifies a need to harmonize norms and regulations to investigate and prosecute these crimes, especially through establishing regional standards of criminal penalties.

In direct response to the request of the Heads of States and Governments of ASEAN, stated in the 9th East Asia Summit Declaration, the SOMTC should upgrade wildlife and timber trafficking as a new area of cooperation under the ASEAN Political-Security Community, thereby paving the way for leaders to endorse such illegal activity as a serious transnational crime at the 2015 ASEAN Ministerial Meeting on Transnational Crime.

ANNEX I – NATIONAL LAWS

Brunei Darussalam:

- (1) Wild Fauna and Flora Order, 2007
- (2) Wildlife Protection Act, chapter 102, 1978 (revised 1984)
- (3) Forest Act, CAP 46 (revised 2013)
- (4) Fisheries Order, 2009
- (5) Criminal Asset Recovery Order 2012
- (6) Penal Code, 2001
- (7) Mutual Assistance in Criminal Matters Order, 2005

Cambodia:

- (1) Law on Forestry (NS/RKM/0802/016) (31 August 2002)
- (2) Law on Fisheries, 2006
- (3) Sub-decree on International Trade of Endangered Animal and Plant Species (No. 53ANK.BK) (29 May 2006)
- (4) Law on Enactment Convention on International Trade in Endangered Species of Wild Fauna and Flora, 2012
- (5) Protected Areas Law, January, 2008
- (6) Law on Anti-Money Laundering and Combating the Financing of Terrorism (NS/RKM/06/07/014), 24 June 2007
- (7) Criminal Code, 2009

Indonesia:

- (1) Presidential Regulation No. 43/1978 concerning ratification of Convention on International Trade in Endangered Species of Wild Fauna and Flora
- (2) Act No. 5/1990 Conservation of Living Resources and their Ecosystems
- (3) Act No. 41/1999 on Forestry
- (4) Government Regulation No. 7/1999 on Preservation of Plants and Animals Species
- (5) Government Regulation No. 8/1999 on Wild Fauna and Flora Exploitation
- (6) Regulation of the Minister of Forestry No. 447/Kpts-II/2003, Concerning Administration Directive of Harvest or Capture and Distribution of the Specimens of Wild Plant and Animal Species
- (7) Law of the Republic of Indonesia No. 8/2010 Regarding Countermeasure and Eradication of Money Laundering
- (8) Ministry of Forestry Regulation No. P.4/Kpts-II/2010 about Handling of Crime Evidence of Forestry
- (9) Government Regulation of the Republic of Indonesia No. 13/1994 Game Hunting Affairs
- (10) Regulation of the Minister of Trade 50/M-DAG/PER/9/2013 2013 on Export Controls Natural Plant and Wildlife is not Protected by Law and Included in CITES list
- (11) Law on Mutual Legal Assistance in Criminal Matters (Law No. 1 of 2006)
- (12) Indonesian Penal Code

Lao PDR:

- (1) Environmental Protection Law, 1999, No. 09/PO
- (2) Wildlife and Aquatic Law No. 07/NA, 24 December 2007
- (3) Forestry Law, 2007, No. 6/NA, 24 December 2007
- (4) Decree on the Control of the Movement of Animal and Animal Products, No. 230/GoL, 4 June, 2012
- (5) Penal Law, 2005
- (6) Decree Implementing the Law on Plant Protection, No. 229/GoL, 31 May 2012
- (7) Decree on Forest Strategy to the Year, 2020, No. 229 of 2005, No. 229/PM
- (8) Decree on Sustainable Management of Production Forest Areas, No. 59/2002, 22/5/2002
- (9) Decree on the Implementation of the Land Law, No. 88/PM, 3 June 2008
- (10) Decree on Anti-Money Laundering, 2006, No. 55/PM, 27 March 2006
- (11) Law on Anti-Money Laundering and Counter-Financing of Terrorism, 2015
- (12) Criminal Procedure Law, No. 34/PO, 14 June 2004
- (13) Amended Constitution of the Lao People's Democratic Republic, 2003

Malaysia:

- (1) International Trade in Endangered Species Act, 2008 (Act 686)
- (2) Wildlife Conservation Act, 2010 (Act 716)
- (3) Sabah Wildlife Conservation Enactment 1997, (Enactment No. 6 of 1997)
- (4) Sarawak Wildlife Protection Ordinance 1998, chapter 26
- (5) Penal Code, 1 February 2013 (Act 574)
- (6) Anti-Money Laundering and Anti-Terrorism Financing Act, 2001 (Act 613)
- (7) Extradition Act, 21 February 1992, (Act 479)
- (8) Mutual Assistance in Criminal Matters Act (Act. 621 of 2002)
- (9) National Forestry Act (Act 313 of 1984)

Myanmar:

- (1) The Protection of Wildlife and Conservation of Natural Areas Law (PoWCNA), The State Law and Order Restoration Council Law No. 6/94, 8th June 1994
- (2) The Freshwater Fisheries Law, The State Law and Order Restoration Council Law, No. 1/91, 4th March 1991
- (3) The Forest Law, The State Law and Order Restoration Council Law No. 8/92, 3rd November 1992
- (4) Forest Rules, 1995
- (5) The Penal Code
- (6) The Anti-Money Laundering Law, The Pyidaungsu Hluttaw Law No. 11/2014, 14th March 2014
- (7) Mutual Assistance in Criminal Matters Law (Law No. 4/2004)
- (8) Animal Health and Development Law; the State Law and Order Restoration Council Law, No. 17/93, 25 November 1993
- (9) Environmental Conservation Law, The Pyidaungsu Hluttaw Law No. 9/2012, 30th March, 2012
- (10) The Mutual Assistance in Criminal Matters Rules, 2014

Philippines:

- (1) Wildlife Resources Conservation and Protection Act Republic Act No. 9147, National Law enacted in 30 July 2001 – Joint DENR-DA-PSCD Implementing Rules and Regulations of RA 9147, National Procedures and Guidelines in the Implementation of RA 9147
- (2) An Act Providing for the Establishment and Management of National Integrated Protected Areas System Defining its Scope and Coverage, and for Other Purposes, Republic Act No. 7586, 1 July 1992
- (3) The Philippine Fisheries Code of 1998, Republic Act No. 8550, 25 February 1998
- (4) The Indigenous Peoples Rights Act of 1997, R.A. No. 8371, 29 October 1997
- (5) The Strategic Environmental Plan for Palawan and the Development of Ecotourism in the Philippines, R.A. No. 7611, 19 June 1992
- (6) National Caves and Caves Resources Management and protection Act, R.A. No. 9072, 8 April 2001
- (7) An Act to Promote Animal Welfare in the Philippines, otherwise known as the “Animal Welfare Act of 1998”, R.A. No. 8485, 11 February 1998
- (8) Revised Penal Code, 8 December (1930), Act No. 3815
- (9) Anti-Money Laundering Act, RA 9160, as amended, 29 September 2001
- (10) Republic Act No. 10365, (6 Feb. 2013), an Act further strengthening the Anti-Money Laundering Law, amending for the purpose Republic Act No. 9160, otherwise known as the “Anti-Money Laundering Act of 2001”, as amended.

Singapore:

- (1) Endangered Species (Import and Export) Act [ESA], chapter 92A, 2006, revised in 2008
- (2) Fisheries Act, chapter 111, 1966, revised in 2002
- (3) Wild Animal and Birds Act, chapter 351, 1965, revised in 2000
- (4) Wild Animals (Licensing) Order, 1990, revised in 1992
- (5) Wholesome Meat and Fish Act, chapter 349A, 1999, revised in 2000
- (6) Control of Plants Act, chapter 57A, 1993, revised in 2000
- (7) Control of Plants (Plant Importation) Rules, 1994, revised in 2000
- (8) Penal Code (chapter 224)
- (9) The Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap 65A), 1992, revised in 2000
- (10) Mutual Assistance in Criminal Matters Act (Act 12 of 2000, as amended)
- (11) Park and Threes Act, chapter 216, 2005
- (12) Animals and Birds Act, chapter 7

Thailand:

- (1) Wild Animal Preservation and Protection Act 2557 (2014)
- (2) Fisheries Act B.E. 2490 (1947)
- (3) Plants Act B.E. 2518 (1975) amendment in B.E. 2535 (1992)
- (4) Ivory Trade Act B.E. 2558 (2015)
- (5) Customs Act B.E. 2469 (1926)
- (6) National Park Act B.E. 2504 (1961)
- (7) Forest Act B.E. 2484 (1941)

- (8) Export and Import of Goods Act B.E 2522 (1979)
- (9) Plant Quarantine Act, B.E. 2507 (1964)
- (10) Penal Code Amendment Act (No. 14) B.E. 2540 (1997)
- (11) Animal Epidemics Act B.E. 2499 (1956)
- (12) The Act of Prevention and Combat against the participation in Transnational Organized Crimes, B.E. 2556 (2013)
- (13) Anti-Money Laundering Act B.E. 2542 (1999) (No. 4) B.E. 2556 (2013)
- (14) Act on Mutual Assistance in Criminal Matters B.E. 2535 (1992)
- (15) Ministerial Decree Specifying Certain Wildlife Species as Protected Species B.E. 2558 (No. 3)

Viet Nam:

- (1) Forest Protection and Development Law, 2004 (No. 29/2004/QH11) (14 December 2004)
- (2) Penal code 1999 (Rev 2009) (No. 15/1999/QH10) (21 December 1999), as amended, and supplementing a number of articles of the Penal Code (No. 37/2009/QH12) (01 January 2010)
- (3) Decree on Management of Export, Import, Re-export and introduction from the sea, Transit, Breeding and Artificial Propagation of Rare, Endangered and Precious Wild Fauna and Flora (Decree 82/2006/ND-CP) (10 August 2006)
- (4) Decree on Administrative Punishment over Forest Management, Forest Development, Forest Protection and Forest Product Management (Decree 157/2013/ND-CP) (11 November 2013)
- (5) Decree on Management of Endangered, precious and rare species of Wild Fauna and Flora (No. 32/2006/ND-CP) (30 March 2006)
- (6) Fisheries Law (No. 17/2003/QH11) (26 December 2003)
- (7) Joint Circular No. 19/2007/TTLT/BNNInter-agency Circular outlining guidelines for the application of certain articles in the Criminal Code to violations of forest protection and management laws
- (8) Law on prevention of and fighting against money – laundering (No. 07/2012/QH13) (18 June 2012)
- (9) Decree detailing implementation of a number of articles of law on prevention and combat of money laundering (No. 116/2013/ND-CP) (04 October 2013)
- (10) Decision of Ministry of Agriculture and Rural Development on Strengthening the Steering Committee for Wildlife Law enforcement (Decision No. 1632/QD-BNN-TCCB) (16 July 2013)
- (11) Biodiversity Conservation Law, 2008 (No. 20/2008/QH12) (2008)
- (12) Environmental Law, 2005 (No. 52/2005/QH11) (2005)
- (13) Decree on Criteria for determining species and management mechanisms for the species under the list of rare, precious and endangered species prioritized for protection (No. 160/2013/ND-CP) (12 November 2013)
- (14) Circular on document package of legal forest products and examination of forest products (01/2012/TT-BNNPTNT) (04 February 2012)
- (15) Circular No. 90/2008/TT-BNNPTNT dealing with wildlife specimen after confiscating (28 August 2008)
- (16) Circular No. 13/2009 of Ministry of Agriculture and Rural Development on management and use of revenue from illegal wildlife punishment (in Vietnamese)
- (17) Prime Minister Directive No. 3/CT-TTg, 2014 – On strengthening the direction and implementation of measures for controlling and protecting endangered, rare and precious wild animals (20 February 2014)
- (18) Law on Mutual Legal Assistance (Law No. 08/2007/QH12)

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