



Animals in circuses in Vietnam

September 2017

Forward

Animals Asia investigations have revealed hundreds of wild animals – including endangered species – are forced to perform unnatural, humiliating tricks at zoos and circuses across Vietnam.

The animals are kept in poor conditions with violence and fear used to force them to perform unnatural tricks. These shows are aimed at children, promoting a message that animal abuse and exploitation is acceptable.

Today Vietnam stands at an animal welfare crossroads. It has shown in recent years that it is starting to accept concepts of animal welfare and is making progress towards animal welfare laws.

On the other hand, cruelty for profit continues across Vietnam. Cruelty that could be built on.

Today's circuses could yet be replaced by tomorrow's vast corporate entertainment centres – such as the dolphinarium planned for Danang city – with animal abuse happening on an even larger scale.

Meanwhile there appears little to no pressure on circuses to reveal where often at-risk animals have come from.

Wildlife trafficking is a major concern with the origin of the animals – including macaques, elephants, gibbons and bears – mostly undocumented.

Also there appears to be no concern from the authorities over these animals' care. There is little scrutiny beyond our own of the animal suffering that happens day in, day out.

In compiling this report we have seen animals performing who are clearly carrying injuries, animals that are dangerously underweight, animals showing signs of self harm and animals cowering as a trainer approaches with a whip.

And far from animated crowds we've seen poor turnouts and bored attendants. This industry takes from the lives of animals, it shames Vietnam and it gives in return...nothing.

Either the industry will die out and become a thing of the past, or it will usher in a new era of vast corporate entertainment cruelty.

If it ends, it will benefit not only these animals but also Vietnam itself. Its end would show that Vietnam is a modern, forward thinking country. It would show that animal cruelty has no place in the country's future.

The cruelty must end.



Abbreviations

CITES: Convention on International Trade in Endangered Species of Wild Fauna and Flora

FPD: Forest Protection Department under the Ministry of Agriculture and Rural Development

SEAZA: South East Asian Zoological Association

VZA: Vietnamese Zoological Association

WAZA: World Association of Zoos & Aquariums

Glossary

CITES Appendices: Appendices I, II and III to the Convention are lists of species afforded different levels or types of protection from over-exploitation in international trade.

- Appendix I lists species that are the most endangered among CITES-listed animals and plants. They are threatened with extinction and CITES prohibits international trade in specimens of these species except when the purpose of the import is not commercial; for example, when it is for scientific research. In these exceptional cases, trade may take place provided it is authorized by the granting of both an import permit and an export permit (or re-export certificate). Article VII of the Convention provides for a number of exemptions to this general prohibition.
- Appendix II lists species that are not necessarily currently threatened with extinction but may become so unless trade is closely controlled. It also includes so-called 'look-alike species'; i.e., species whose specimens in trade look like those of species listed in Appendix I. International trade in specimens of Appendix-II species may be authorized by the granting of an export permit or re-export certificate. No import permit is necessary for these species under CITES (although a permit is needed in some countries that have taken stricter measures than CITES requires). Permits or certificates should only be granted if the relevant authorities are satisfied that certain conditions are met, above all that trade will not be detrimental to the survival of the species in the wild.
- Appendix III lists species that are included at the request of a Party that already regulates trade in the species and that needs the cooperation of other countries to prevent unsustainable or illegal exploitation. International trade in specimens of species listed in Appendix III is allowed only on presentation of the appropriate permits or certificates.

CITES Management Authority - A national management body designated in accordance with Article IX of the CITES Convention. The Management

Authority is responsible for implementing the CITES Convention in its country. In particular, it is the only body competent to grant import and export permits and re-export certificates on behalf of that Party. Even though a Party may designate more than one Management Authority, one must be designated as the Management Authority responsible for communication with other Parties and the Secretariat

CITES Scientific Authority - A national scientific advisory body designated in accordance with Article IX of the CITES Convention. A Scientific Authority is responsible for providing technical and scientific advice to its Management Authority, in particular as to whether the export or introduction from the sea of a specimen will be detrimental to the survival in the wild of the species involved. A Party may designate more than one Scientific Authority.

Review Methodology

A comprehensive review of Vietnamese captive wild animal facilities was carried out to ascertain;

- the use of animals in circus performances
- the origin of these individuals
- the management of these animals within specific facilities

The research identified 16 facilities using animals in circus performances in Vietnam.

Information was obtained via:

- 1) Information in the public domain.
- 2) Site visits to 11 facilities visited between January 2016 and August 2017
- 3) Information supplied by individuals working within the circus industry

Educational activities

The contribution made to the public awareness of the nature of animals and their conservation status was determined by an analysis of public display information delivered at select facilities.



Executive Summary

Sixteen facilities in Vietnam have been identified as using animals in circus performances as of August 2017. Several of these facilities receive support from the government. Nineteen different species are used, with the most common 'circus' animal being the macaque used at thirteen facilities.

Endangered species within Vietnam are protected from commercial exploitation under Vietnamese law, the use of such species in circus performances presents a serious concern.

The origin of many wild animals used in circus performances in Vietnam is also of concern, information supplied to investigators has implied that many animals are being held in circuses illegally.

The welfare of animals used in circuses in Vietnam is often very poor. Animals are being forced through fear and intimidation to perform unnatural behaviours, and being held in poor living conditions. No national government regulations exist to protect these animals from conditions which cause them suffering, and it is believed that many hundreds of animals are suffering due to such conditions. Individual animals are suffering further due to their removal from their parents when they are very young to be used in animal interactions and shows.

Circuses are also doing little to contribute to the public's awareness of the nature of wild animals or the threats wild populations face. Some facilities are providing the public with misleading and in some cases, inaccurate information, and the continued use of animals as entertainers is doing little to generate respect and empathy for species that are in many cases, threatened with extinction in the wild.

Vietnam's participation in the use of animals as entertainers, some of which are thought to be held illegally, and the housing of animals within poor living conditions, is having a negative impact on the international image of the country for its ability to protect threatened populations of wild animals and to protect individuals from suffering. The use of animals in circus performances and poor living standards for many individuals have been documented internationally, contributing towards a negative public image of the Vietnamese captive wild animal industry within an international context.



Recommendations

The author recommends the governing authorities responsible for the management of captive wild animals in Vietnam adopt the following measures:

1. Investigate and ascertain the origin of all protected species, under decree 32/2006/ND-CP, used in circuses and confiscate, and place with a reputable rescue facility, those deemed to be holding animals illegally.
2. Prosecute circus owners deemed to be in contravention of Vietnamese law with regards to the use of a class 1B species for commercial exploitation, under Article 6.1 of decree 32/2006/ND-CP¹
3. Investigate and ascertain the origin of the orangutans used in circus performances at the Dam Sen Tourist Park. If it is concluded they were imported into the country, confiscate on the basis that they are a CITES Appendix I listed species and under CITES convention Article III,3c², their use in commercial exploitation is prohibited, place these individuals with a reputable facility that has the capacity to meet their needs and work with authorities to repatriate these individuals to their country of origin.
4. Ban the use of all wild animals in performances where animals are forced to exhibit behaviour contrary to their natural behaviours;
5. In partnership with both government and non-government owned captive wild animal facilities, confiscate circus animals and place them into established facilities;
6. Provide resources and training support to such establishments to ensure they have the funds and the necessary skills available to meet the complex physical and behavioural needs of these rescued animals;
7. Provide support for circus operators to adapt to non-animal circuses;
8. Develop public awareness campaigns in partnership with NGOs to show support to circuses that do not use animals, and to provide the public with information on the conservation and welfare issues associated with the use of animals in circuses.

¹ Forest plants and animals of Group I shall be exploited only for scientific purposes of research (including purpose of creation of prototype breed sources in service of artificial breeding and culture) and international cooperation. The exploitation of forest plants and animals of Group I must not adversely affect the conservation of such species in nature and must be performed under plans approved by the Agriculture and Rural Development Ministry.

² The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
- (b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes



Circuses in Vietnam

Fifteen facilities are known to use animals in circus performances in Vietnam (appendix one). These performances are carried out within a range of settings.

Static circuses

Vietnam has two static circuses.



- The Central Circus in Hanoi is the largest, and is the home of the Vietnam Circus Federation. The Federation is the oldest circus troupe in Vietnam. It was established in January 1956³ and it receives government support and government funding⁴.
- Ho Chi Minh City hosts a static circus at Gia Định Park, this circus has operated since 2013.

Amusement parks and zoo's

Dam Sen Tourist Park in Ho Chi Minh City opened a purpose built 1000-seat circus arena dedicated to displaying performing animals in 2016, the circus is operated by the Phuong Nam Art Theatre.



Saigon Zoo has a macaque and dog circus performance and an elephant show which takes place within the elephant's enclosure

Saigon Zoo is a member of WAZA, and Saigon Zoo, Bao Son Zoo, and Dam Sen Tourist Park are all members of the VZA. The VZA is a member of the SEAZA and both the VZA and SEAZA are also members of the WAZA.

WAZA have an established animal welfare policy⁵ prohibiting the use of animals in entertainment practices that cause suffering. This policy is mirrored within both the SEAZA⁶ and VZA membership policies and thus the continued use of animals in circuses at Saigon Zoo, Bao Son Zoo and Dam Sen Tourist Park are in breach of the association policies.

Travelling circuses

Seven travelling circuses operate across the country. The largest is the Hong Loc Circus, established in 2004 by Le Hong Loc in partnership with the Vietnam Circus Association. The circus is under the authority of the Vietnam Acrobatic Artists Association. The circus reportedly has 30 performers with 40 animals of 12 species⁷.

Tourist resorts

Five tourist resorts host animal circuses, three of these are reportedly run by the Hong Loc Circus. Two of the tourist resorts are owned by the Long Phu Corporation and the Long Phu Corporation is a member of the VZA and thus should abide by the VZA policies which prohibit the use of animals in circuses.



Performing animals to rent

Hanoi based companies including Viet Green Media, and Tay Ho event and show organizing centre, offer performing animals for rent including dogs, monkeys and pythons. Online reports⁸ suggest that a 30-minute macaque performance costs US\$100 and the customers are restaurants and businesses⁹.

- 5 WAZA Animal Welfare Strategy p72 'Do not undertake, contribute or participate in animal shows, displays or interactive experiences where animals perform unnatural behaviours. Species conservation should be the overriding message and/or purpose'
- 6 Mandatory Welfare Standards; SEAZA standards are included as part of the SEAZA Constitution. New members must agree to abide by the SEAZA constitution, which give a section on Welfare at Appendix 4. These are included on the title General Standards for Exhibiting Animals that covers display, shelter and space. In Article 1 the Preamble requests that members conduct research that contributes to the welfare of captive wildlife and Article 4 - Purpose and Objective includes "improve ethics and welfare of captive wildlife" All members should comply to these objectives. The constitution also includes a section on transfer of animals where "Members will ensure institutions receiving animals have appropriate facilities to hold the animals and skilled staff who are capable of maintaining the same high standard of husbandry and welfare as required of WAZA members"
- 7 <http://sankhau.com.vn/news/thu-xiec-va-nghe-day-thu.aspx>
- 8 <http://dichvubieu dien.com/bvct/cho-thue-ban-nhac-tai-ha-noi-nhac-cong-nhom-nhay-nhom-mua-dan-nhac-to-chuc-su-kien-tai-ha-noi/28/cung-cap-cho-thue-xiec-thu-xiec-khi-xiec-cho-tai-ha-noi.html>
- 9 <http://news.zing.vn/18-trieu-donggio-thue-cho-khi-lam-xiec-ngay-16-post323566.htm>

3 <http://langvietonline.vn/ChinhTri-XaHoi/117967/Lien-doan-Xiec-Viet-Nam---canh-chim-dau-dan-cua-Xiec-Viet.html>

4 <http://www.nationalgeographic.com/photography/proof/2016/08/vietnam-circus-rodriguez/>

Comment

Circuses in Vietnam are facing competition from other animal related businesses such as zoos and safari parks as well as the development of non-animal related entertainment complexes. As competition, has grown, several circuses including Hong Loc Circus company and Phuong Nam Art Theatre, have changed their business strategy to survive, developing contracts with amusement parks and tourist attractions to operate circuses within these establishments.



Several travelling circuses are supported by the government under Decision 170 “Preferential policies for cultural enjoyment”. The government support these for political purposes, funding them to operate in remote areas to demonstrate they care for people living in these regions¹⁰. Yet funding is unlikely to last in the long-term, in 2015 the government announced that funding provided to Vietnam Circus Federation, operators of both a static and a travelling circus would be cut and the circus would need to become self-financing¹¹.

Performance animals and behaviours

A host of animal species are used in Vietnamese circus performances (appendix two). Macaques are the most popular found at 13 of 16 facilities. Bears are used at eight circuses and elephants at three facilities.



Vietnamese circuses are also known to use dogs, cats, snakes, goats, alligators, gibbons, wolves, doves, chickens, pigs and cockatoos, one circus was also found to use an orangutan¹² and one a pair of ostrich¹³. These animals are forced to perform a variety of unnatural behaviours (appendix three).

Macaques

81% of facilities exhibit performing macaques. At all the facilities investigated, the macaques were restrained by chains around their necks.

- 66% of facilities force macaques to ride bicycles
- 50% of facilities force macaques to act out the ‘grinding of rice’
- 25% of facilities force macaques strapped onto the back of a dog to jump through rings of fire
- 1 facility forces macaques to race each other in a swimming pool
- 1 facility straps a macaque to an ostrich and forces it to ride around an arena

Asiatic Black Bears



Asiatic black bears are used in performances at 50% of facilities. Bears of all ages, from cubs to adults are forced to perform. The bears are muzzled with a rope attached to the back of the muzzle, the rope is pulled to force the bears to comply.

- 60% of facilities force bears to ride bicycles
- 50% of facilities force bears to balance on a wooden board on top of a cylindrical object
- 37% of facilities force bears to ride motorbikes

10 <http://www.baophuyen.com.vn/93/59737/doan-nghe-thuat-xiec-dai-duong-bieu-dien-phuc-vu-dong-bao-mien-nui.html>

11 <http://anninhthudo.vn/giai-tri/cac-doan-nghe-thuat-tran-tro-truoc-lo-trinh-tu-chu/591520.antd>

12 Dam Sen Tourist Park

13 Central Circus, Hanoi

Elephants

19% of facilities exhibit performing elephants. The elephants are controlled using sharp 'jab' sticks, bull-hooks, and ropes pierced through their ears. Elephants are forced into performing handstands, and carrying performers and audience members in their trunks.



Orangutan

An orangutan is used in a circus performance at Dam Sen Tourist Park. The orangutan is forced to ride a bicycle around the circus arena, and spin plates on his fingers.



Crocodile

38% of facilities exhibit crocodiles. Animal handlers place both their heads and their hands into the crocodile's mouths.



Animal source and legality of use

Under Vietnamese law, Asiatic black bears and elephants are classified as group 1B species within the 'Management of endangered, precious and rare plants and animals, Decree 32/2006/ND-CP' (appendix four).



Article 6.1¹⁴ prohibits the exploitation of group 1B species for purposes other than scientific research. The use of animals in circuses is a commercial exploitation, as animals are used by circus owners to raise funds for a commercial purpose, and subsequently the use of group 1B species in circuses is illegal under this decree.

For travelling circuses with either elephants or bears, circus owners must have the necessary transportation permits as documented within Article 7.4.¹⁵ The regional FPD's are responsible for issuing transportation permits, yet decree 32/2006/ND-CP prohibits such permits from being issued as the animals are being used for a purpose which is not supported under Vietnamese law, therefore the FPD's should not issue transportation permits for travelling circuses using group 1B species.

There is no publicly available record of the source of animals used in circuses in Vietnam. One report documents the Hong Loc circus purchasing an Asiatic Black Bear 'Nhi' from a bile bear farm¹⁶. Article

¹⁴ Forest plants and animals of Group I shall be exploited only for scientific purposes of research (including purpose of creation of prototype breed sources in service of artificial breeding and culture) and international cooperation. The exploitation of forest plants and animals of Group I must not adversely affect the conservation of such species in nature and must be performed under plans approved by the Agriculture and Rural Development Ministry.

¹⁵ Transportation of endangered, precious and rare forest animals and products thereof out of provinces or centrally-run cities shall require special transportation permits granted by provincial-level forest ranger offices

¹⁶ <http://www.baomoi.com/bi-mat-kho-tin-cua-doan-xiec-dua-dau-vao-mieng-ca-sau/c/18803462.epi>

2.1 of Bear Keeping Regulation 95/2008/QĐ-BNN¹⁷, enacted 29/9/2008, prohibits the buying and selling of bears in Vietnam and thus it appears that this may be an illegal transaction.



It is the opinion of the author that many of the bears have been captured from the wild, and circus staff¹⁸ have confirmed this through personal communications with investigators. Wild caught bear cubs are illegally traded in Vietnam for the bear bile trade, and established breeding centres including Vietnamese zoos have had little success in breeding Asiatic black bears. It is reasonable to assume that the information provided by the circus staff is correct and many of the bears used in circuses have been captured from the wild, or will at least be the offspring of wild caught parents.

Three circuses house elephants in Vietnam. The origin of these elephants is unknown but it is known that the Vietnam Circus federation owned a wild captured elephant, Kham Bun, until her death in 2010¹⁹.

Dam Sen Tourist Park houses orangutans for use in the circus performance. CITES records show that three orangutans have been imported into Vietnam since 1998 (appendix five). There are no publicly available records of captive born orangutans in Vietnam. The import of an Appendix I species requires the Management Authority of the state of import to be satisfied that the animal is not to be used for primarily commercial purposes, Article III,3c (appendix six). If the orangutans used at Dam Sen

Tourist Park have been imported into Vietnam, it appears that they have been traded in contravention of CITES regulations.



Animal welfare

Animals used for circus entertainment in Vietnam are managed in a variety of different ways and forced to perform unnatural behaviours. In many situations, their use as circus entertainers and the methods in which they are managed are likely to be leading to them experiencing poor welfare.



An animal's 'welfare' refers to the feelings and sensations the animal experiences within itself. These 'feelings and sensations' are known as affective states (Mellor & Reid, 1994), (appendix seven).

- An animal can be said to be experiencing 'negative' welfare when it is experiencing negative affective states, e.g., fear, hunger, pain. These are states that the animal is motivated to minimise.
- An animal can be said to be experiencing 'positive' welfare when it is experiencing positive affective states, e.g., confidence, comfort, reward. These are states the animal is motivated to experience.

Circus owners and animal keepers are often inadequately trained or equipped to provide animals with the care they require, and have little or no training in animal welfare or husbandry.

¹⁷ Hunting, trapping, purchasing, selling, slaughtering, transporting, advertising, exporting, importing, temporarily importing and re-exporting bears and bear products and derivatives is in contravention of the law

¹⁸ Central Circus, Hanoi

¹⁹ <http://www.elephant.se/country.php?name=Vietnam&show=circus>

Performances

Animals in Vietnamese circuses are forced to perform a variety of unnatural behaviours (appendix three) in front of large crowds. Behavioural and physiological parameters indicate that human audiences can have stressful effects on captive wild animals, and that this can have severe consequences for welfare²⁰.

Loud music and in the case of the large static circuses, crowd noise, in Vietnamese circuses is very high. Loud noise is a known stressor, and acoustical stress within and outside the human hearing range can cause critical alteration in physiological parameters (Stoskopf, 1983 and Bowles et al, 1996). This coupled with the constant changes in lighting and in some cases the use of spotlights on animals is likely to lead to animals feeling a degree of stress during each performance. Performance acts in the presence of spectators are likely to cause severe stress even if an animal is not engaged in unnatural behaviours.



Several animals in Vietnamese circuses have been observed displaying abnormal behaviours. Stereotypic weaving and rocking was observed with two chained elephants at Dam Sen Tourist Park. Both elephants increased their frequency of side to side swaying and head bobbing movements when the music for the circus was playing. Stereotyping in elephants is known to increase prior to performances (Friend, 1999). Stereotypies typically indicate captive environments that compromise animal welfare, and they may even reflect specific forms of brain dysfunction (Mason et al, 2008).



If an animal becomes stressed in the arena it is unlikely to carry out the tricks as desired by the handler and this can put the handler into a situation where it is evident that they do not have control over the actions of the animal. In many cases, dominance and physical abuse are used by the handler to assert authority over such an animal and to force it into carrying out the desired behaviours before the expectant crowd.

Such dominance has been seen on numerous occasions with circus handlers striking elephants, macaques and bears²¹ when they have become stressed and refused to instantly perform the trick they are asked to carry out.



Handlers have also been observed dragging macaques around the circus arena²² by ropes and chains around their necks²³, and macaques were seen baring their teeth in a fear grimace towards the handlers²⁴ due to stress and fear during performances.



²¹ Central Circus

²² Can Gio Biosphere Reserve, Monkey island, Long Phu Tourism Company, Nha Trang

²³ Can Gio Biosphere Reserve, Thai Duong Circus

²⁴ Central Circus, Dam Sen Tourist Park, Hong Loc Circus, Monkey island, Long Phu Tourism Company, Nha Trang

²⁰ <http://www.rspca.org.uk/ImageLocator/LocateAsset?asset=document&assetId=1232714755621&mode=prd>

Handlers have been observed kicking, hitting and dragging crocodile's around arenas by a rope tied around their necks, and crushing the skulls of green pit viper's before supposedly passing the 'live' snake through their nasal passage.



Training

Animals used in circuses require intensive training to perfect the tricks they are forced to perform. Many trainers use some degree of “negative reinforcement”, training the animals by punishing them through physical intervention or withholding of food when they do not comply with commands or perform the tricks required. The use of dominance, fear and in some cases abuse is likely to negatively affect both short and long term welfare.



Elephants are trained using a bull-hook otherwise known as the ‘ankus’ and a ‘guide’. The bull-hook is used to mete out physical punishment, and place the elephant in a state of fear. In the circus arena, it is often shown to an elephant or placed on the elephant’s ears, trunk or head to ‘guide’ the individual to carrying out the desired behaviour, but no matter how gently it may be used in public, at some point it had to be established as a negative reinforcer to be effective. That means causing enough pain and discomfort that the animal remembers, and seeks to avoid that experience by complying with the animal handler’s instructions. The bull-hook removes an

elephant’s choice and control over its immediate environment and actions²⁵.



Elephants at the Central Circus in Hanoi are reportedly trained three times per week. The elephant handlers have been observed using bull-hooks in the circus arena and it is assumed that these are used during the training sessions.

A trainer at the UNESCO Can Gio Biosphere reserve was observed dragging a crocodile along the ground with a rope around its neck and hitting it with a wooden baton during a short training session²⁶.



25 http://activeenvironments.org/pdf/PC_Elephant_Welfare.pdf

26 Can Gio Management authority reportedly stopped using the crocodile in performances in November 2017

Animal handlers in Vietnam reportedly train macaques when they reach two years of age and it can take three years before they are ready to go onto the stage. An individual macaque may then perform for more than 15 years²⁷. To have macaques carry out the unnatural behaviours desired by the circuses, the trainers physically force the animals into unnatural positions. To force a macaque to perform a handstand, the trainer must stretch the monkey out by using his hands and feet to keep the animal's legs and arms straight. To force a macaque to ride a bicycle they must be chained to the bike to force them to sit on it, and to force macaques to walk on their back legs trainers pull on chains around their necks to force their head and body into the air and for the animal to stand upright²⁸.



Transport

For animals in travelling circuses their welfare is further comprised by their frequent travel, and the lack of suitable resting and holding facilities at circus venues.

Animals in Vietnamese travelling circuses are held in cages which allow very limited movement, contain no natural features or enrichment and in many cases no access to fresh water. These animals are likely to spend extensive periods of time living in these conditions only being released for training sessions and performances.

They are also likely to suffer further due to the regular travel and the stress that this regular change in the animals' immediate environment is likely to cause them.

Performance backstage environments

Performances in Vietnamese circuses take place two or more times per day depending upon the number of visitors expected. Due to the high frequency of performance, animals are required to live close to the performance arena and be readily accessible for the trainers to bring into the arena and for training sessions. Such housing rarely provides them with conditions which meet their specific physical and behavioural needs.

This result in animals often being, chained, isolated and housed in small, barren cages (appendix eight). Such conditions were observed at three facilities²⁹. In the case of the static circuses and those within the amusement parks these animals are housed in darkened rooms at the back of the performance arenas and out of sight of the visitors.

At the Central Circus in Hanoi and the Dam Sen Tourist Park, performing elephants are forced to stand on concrete, provided with no substrates or bedding materials, have no access to a water source and are shackled to the ground by one front and one rear leg. They can barely take a step forwards and backwards, and cannot exhibit most of their typical behaviours. In addition to restricting their physical movements this also restricts social interactions, as contact with other shackled elephants is prevented. This physical restriction can have adverse effects on health. Elephants lacking physical exercise in circuses can become obese, which in turn leads to defects of the joints and ligaments of feet and legs (Kurt et al, 1995). Circus elephants are known to suffer from rheumatoid disorders, and chronic arthritis (Clark et al, 1980). The development of lameness is also common (Lindau, 1970), such joint problems as well as hernias are thought to result from circus elephants repeatedly assuming unnatural positions during performances (Kuntze, 1989).

27 <http://www.voh.com.vn/van-hoa-giai-tri/chuyen-nghe-xiec-khi-196179.html>

28 <http://kienthuc.net.vn/song-4-mau/chuyen-sau-san-khau-cua-nhung-chu-khi-lam-xiec-632644.html>

29 Central Circus, Dam Sen Tourist Park, Suoi Tien Amusement Park



Macaques³⁰ and orang-utans³¹ are also housed in isolation. Macaques are either housed in 2mx2m cages, or chained to metal grids fixed to the wall. None of the animals observed were provided with any bedding material and none had access to a water source. Housing social species in solitary confinement causes significant welfare problems. Limited opportunities for undertaking appropriate social behaviours will compromise welfare and may result in stress, abnormal behaviours and aggression (Dorning et al, 2016). The lack of social interaction, represents a severe stressor for individuals that are highly social by nature, the resulting stress can have short-term as well as chronic long-term behavioural and physiological effects. Through time this can induce poor welfare by compromising health, altering brain function, and lowering life expectancy (Harris, 2007). Normal behaviour gives way to a higher percentage of inactivity and/or increased abnormal behaviour, i.e. self-injury, and stereotypies (Mason, 1991).

30 Central Circus, Suoi Tien, Hong Loc, Monkey Island (Nha Trang)
31 Dam Sen Tourist Park



Asiatic black bears are housed in small cages, provided with no substrates or bedding materials and have no visible access to a water source. Bears at the Central Circus in Hanoi were observed rocking and banging their heads against the cage bars. As stereotypies normally indicate sub-optimal environments, a higher degree of stereotyping in circuses may be considered indicative of poorer welfare (Lassa et al, 2009).



Stereotypies also tend to increase in frequency with increasing restraint of movement and with more barren environments. For instance, circus elephants kept shackled weave and head-nod more than in paddocks (Schmid, 1995) & (Friend et al, 1999), zoo bears and leopards pace more in the smaller, off-exhibit enclosures than in the larger, on-exhibit enclosures (Montaudouin et al, 2005) & (Mallapur, 2002), and captive parrots perform more oral and locomotory stereotypies in barren cages than in enriched cages (Meehan, 2004).

Social isolation and reduced space allowance has also been demonstrated to cause increased levels of aggression and stress levels in a range of captive wild animals including primates (Morgan et al, 2006).

In psittacine³² birds, poor socialization, anxiety, boredom, hand-rearing and related human imprinting, with consequent failure to learn correct preening behaviours, may cause stress and, as a result, feather plucking (Chitty, 2003a) & (Chitty, 2003b).

32 Parrots, macaws, parakeets, cockatiels

Animals are also housed in environments which provide no stimulation or comfort. In all cases observed³³, animals were housed in barren concrete enclosures with no enriching features, and animals were not provided with any bedding materials to provide them with a degree of comfort when resting.



Early removal from mothers and family groups

At one facility³⁴ an infant macaque had been removed from its mother and chained in an isolated environment, the handlers offered this individual to the investigator to have their photograph taken with, and it is assumed that this is a further revenue source for the circus operators.



Removing infants such as this macaque from their mothers is likely to cause both immediate and long term welfare problems. Genetic factors and early life adversity both play a major role in the aetiology of mood and anxiety disorders (Heim et al, 2001) and exposure to chronic mild stress is known to induce anhedonia in adult animals and is associated with depression in humans (Zalosnik et al 2014). Early separation from the mother can cause stereotypies and self-sucking is documented in hand-reared primates (Dorning et al, 2016).

Stress

Many animals in Vietnamese circuses are displaying abnormal behaviours which it is believed are a result of them suffering from stress. Elephants at two

facilities³⁵ were observed swaying stereotypically, bears at the Central Circus were observed pacing, rubbing their heads against the cage bars and self-mutilating, and macaques at two facilities³⁶ were seen head twisting and swaying from side to side within their restrictive enclosures.



Stress is a symptom expressed by an individual animal, resulting from exposure of the individual to a hostile environment. Stress consists of external body forces that tend to displace homeostasis and “strain” is the internal displacement brought about by stress (Stott, 1981).

Stress can result in abnormal and/or repetitive behaviours that may be detrimental to both the physical and psychological health of the animal. Stereotypic behaviour may be the result of frustrated needs or be a coping mechanism developed to address a current or previous inadequate or stressful environment. The presence of stereotypic behaviour is generally acknowledged to be an indicator of current or previous poor welfare.

Poor diets

It is assumed that due to a lack of species specific knowledge it is likely that many circus animals in Vietnam are being fed a poor-quality diet. Investigations at the Central Circus in Hanoi identified that the macaques are fed concentrated milk, boiled eggs and sugar and fruits³⁷. The natural diet of the rhesus macaque varies by region, but they are generally omnivorous opportunists, feeding mainly on roots, fruits, seeds, bark, herbs, insects, crop plants and small animals. The poor-quality diet is likely to have an adverse impact on their physical health and thus have a negative impact on their welfare.

Death

There is no public record of the death of animals used in circus performances in Vietnam. Media records report the death of two circus elephants and three macaques

33 Elephants, Macaques and Bears at Central Circus, Macaques at Suoi Tien Amusement Park, Elephants and Orang-utan at Dam Sen Amusement Park
34 Suoi Tien Amusement Park

35 Central Circus, Dam Sen Amusement Park
36 Central Circus, Suoi Tien Amusement Park
37 <http://kienthuc.net.vn/song-4-mau/chuyen-sau-san-khau-cua-nhung-chu-khi-lam-xiec-632644.html>



District's Liem Can Commune⁴⁴. The injury required hospital treatment due to its severity.



Captive elephants pose a high public safety risk. Between 2010 and 2014, three children have been killed by circus elephants.

- Hờ Nun was an elephant hired by the Hoang Nam circus from an elephant owner in Dak Lak province. In Oct 2011, Hờ Nun died whilst on tour in Quang Nam province. The cause of death was identified as insufficient food, exposure to cold weather and long periods of travel³⁸.
- Kham Bun, a reportedly wild caught elephant, was sent to the Central Circus in Hanoi from Dak Lak province. Kham Bun reportedly died due to an infection in her leg in August 2010³⁹.
- A monkey named Vàng reportedly died at Central Circus in Hanoi⁴⁰.
- Two un-named female monkeys belonging to the Central Circus in Hanoi reportedly died when they were giving birth^{41,42}.



Human safety

Wild animals such as elephants, bears, macaques and crocodiles are unpredictable and inherently dangerous, particularly to circus staff who work with them, and to the public who meet them through rides⁴³, photo opportunities, and from being near wild animals that are being held within situations that are likely to be causing them a degree of stress.

There are several documented instances of injury caused by wild animals in Vietnam. These have resulted in the death, and serious injury to circus trainers and children.

On 11th March 2017, a crocodile bit a circus trainer on the face during a performance in Thanh Liem

- 23rd December 2014, a 40-year-old captive elephant from Binh Minh Circus killed a 12-year old boy in Duc Manh, Dak Nong⁴⁵. News reports suggest the boy was one of several people feeding the elephant fruits prior to a performance in the Central Stadium in Duc Manh. The elephant was reported to have hit the boy with its trunk.
- 16th October 2011, a captive elephant from the Central Circus (Vietnam Circus Federation) killed an 11-year-old girl after she tried to feed it at a circus in Lao Cai city⁴⁶.
- April 2010, a circus elephant from the Sao Mai circus troupe killed a 13-year-old boy after he reportedly taunted it in Dong Nai province⁴⁷.

These instances are the result of members of the public having unregulated and unsupervised access to dangerous wild animals. Similar unsupervised access situations were observed during visits to the Central Circus animal holding area, where unrestricted access was provided to the area

38 <http://dantri.com.vn/xa-hoi/voi-70-tuoi-cua-mot-doan-xiec-bi-chet-1319693204.htm>

39 http://elephant.se/location2.php?location_id=1751&show=4

40 <http://kienthuc.net.vn/song-4-mau/chuyen-sau-san-khau-cua-nhung-chu-khi-lam-xiec-632644.html>

41 <http://kienthuc.net.vn/song-4-mau/chuyen-sau-san-khau-cua-nhung-chu-khi-lam-xiec-632644.html>

42 <http://afamily.vn/doi-song/can-can-h-mot-ngay-lao-dong-vat-va-cua-nhung-chu-khi-trong-rap-xiec-o-ha-noi-2016020711184533.chn>

43 Hoa Lan Stream Tourist Area

44 <http://e.vnexpress.net/news/news/crocodile-mauls-circus-performer-s-face-in-northern-vietnam-3554118.html>

45 <http://www.tinmoi.vn/voi-doan-xiec-dung-voi-quan-quat-chet-be-trai-12-tuoi-011339762.html>

46 <http://www.tinmoi.vn/voi-doan-xiec-dung-voi-quan-quat-chet-be-trai-12-tuoi-011339762.html>

47 <https://m.vietnambreakingnews.com/2010/04/13-year-old-boy-fatally-taunts-circus-elephant/> and <http://vnexpress.net/tin-tuc/thoi-su/voi-xiec-quat-chet-mot-hoc-sinh-lop-6-2160089.html>

holding the two circus elephants, the bears and the macaques.

Circuses also do not employ effective barriers between the animals and the public and therefore animals such as elephants, orang-utans and bears could easily leave the circus arena and enter the crowd. Incidents of such activity have been seen in circuses internationally and often result in the serious injury or death of members of the public.^{48 49 50}

There is also a threat of zoonotic disease transmission between animals and humans. The public are encouraged to handle circus animals at several facilities⁵¹. This practice can endanger the health of both animals and the public by exposing both to potential disease transmission.



Many primates carry diseases that are easily transmittable to humans. Herpes B virus is carried in a high percentage of macaques and is almost always fatal to humans. A 2015 study (Karim et al, 2015) of captive primates in Chinese zoos identified significantly high incidences of *Enterocytozoon bieneusi*. This infects the enterocytes of the small intestine and causes diarrhea and enteric diseases in humans, and domestic and wild animals (Santin et al, 2011), (Matos et al, 2012), & (Karim et al, 2014). *E. bieneusi* can be transmitted from humans to non-human primates and vice versa and therefore the authors recommend that human contact with non-human primates should be reduced to minimise the risks of infection⁵².

People that have close contact with monkeys are also increasingly susceptible to 'Monkey Malaria', *Plasmodium knowlesi*, a form of malaria common in monkeys in South East Asia. Over the past decade human cases of *knowlesi* malaria have been on the rise. Monkey malaria has become the most common form of malaria now detected in hospitals and clinics in Malaysian Borneo, and there is growing concern that this simian parasite is adapting to infect humans more efficiently. As people and macaques have come in closer and more constant contact, so more people are being bitten by mosquitoes laden with *knowlesi* parasites. The fear is that the parasite will increasingly adapt to the point where there is sustained transmission from human to human. If that does happen, monkey malaria could become the next emerging infectious disease threat⁵³.

Close contact with reptiles also poses significant health risks. Reptiles frequently carry *Salmonella*, *Mycobacterium*, *Campylobacter*, and *Escherichia coli* that can cause serious illness. Infections can result from handling reptiles and having contact with their environments, including the water from the containers in which they live. Young children are particularly at risk from infection because their immune systems are still developing and because they are more likely than others to put their fingers or other items into their mouths⁵⁴.

Despite this risk, pythons are draped around the necks of children and adults during performances at two facilities⁵⁵.

Circus promotion

The use of animals in circuses is promoted in Vietnam through posters showing animals performing various tricks distributed close to circus venues and posted online. Specific circuses also promote their activities by parading animals around the local region to attract the attention of the public. A bear dressed in a too-too was paraded in amongst the busy Ho Chi Minh City streets to promote the local circus.⁵⁶

48 http://news.xinhuanet.com/english/china/2014-11/01/c_133759360.htm

49 <http://www.mirror.co.uk/news/world-news/death-elephant-france-pensioner-playing-2262212#ixzz2eRCgYuKP>

50 <http://www.whatsonningbo.com/news-3562-circus-tiger-bites-a-man-his-7yo-daughter-during-performance-in-jiangxi.html>

51 Hoa Lan island, Long Phu Tourism Company', Nha Trang, Can Gio Biosphere Reserve

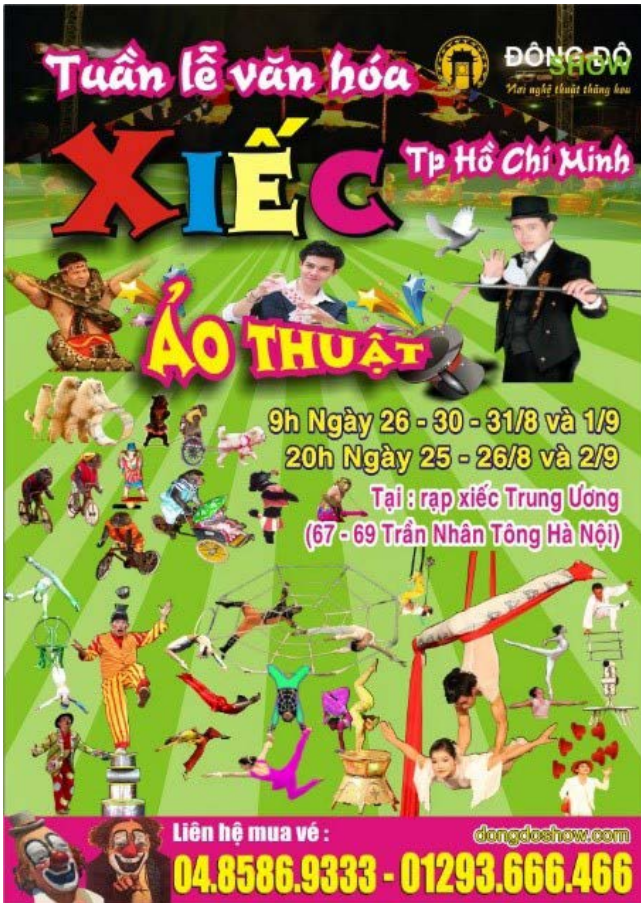
52 <http://web.stanford.edu/group/parasites/ParaSites2006/Microsporidiosis/microsporidia1.html>

53 <https://www.wbez.org/shows/all-things-considered/monkey-malaria-creeps-closer-to-being-a-major-human-threat/56b4e491-3e86-426c-b532-5562fc1a270a>

54 <http://www.cdc.gov/Features/SalmonellaFrogTurtle/>

55 Nha Trang https://www.youtube.com/watch?v=mIMHR0_5uAw, Central Circus: <https://www.youtube.com/watch?v=BfpHCZb8jMc>

56 <http://news.zing.vn/gau-dao-pho-giua-ban-ngay-tai-trung-tam-tphcm-post253265.html>



In September 2015, a circus animation game⁵⁷ was released allowing players to control a bear balancing on a ball on top of a seesaw. The game promotes the use of animals in circuses and is aimed at a young audience.

The Hong Loc circus is also known to take animals into schools as part of local promotional activities.

Education

No evidence of educational activities relevant to the nature of animals or their conservation status were observed during investigations or found within supporting literature during circus visits.

One educational reference was discovered online relating to the Central Circus in Hanoi, which claims to educate children about kindness, bravery and confidence⁵⁸ via the development of a 2016 show named 'Mon the monkey flying in an animated world'. The reference provides no details of the nature of macaques or their conservation status in the wild.

57 <http://trochoimienphi.com/tro-choi-rap-xiec-vui-nhon/>

58 <http://www.nhandan.com.vn/vanhua/nghe-doc-xem/item/28677402-chum-hai-kich-va-chuong-trinh-xiec-don-tet-vui-xuan-moi-tren-san-khau-thu-do.html>



Conclusion

The use of wild animals in performances, whether in static circuses, tourist resorts, amusement parks, or travelling circuses, poses a threat to species conservation, and a significant risk to the welfare of the individual animals and the safety of people.

Information from within the circus industry implies that bears have been captured from the wild to supply the circus industry further threatening this endangered species, which is already in decline due to habitat loss and poaching⁵⁹. The use of bears and elephants in circuses also amounts to the commercial exploitation of a protected species, and is illegal under Vietnamese law.

Information within the media also suggests that bears have been traded between bear bile farms and circuses in contravention of the national laws.

The welfare of captive wild animals used in Vietnamese circuses is severely compromised by their training, performances, poor living conditions, and in several cases their capture from the wild. Wild animals are subjected to stressful training regimes, forced to perform in front of large and often noisy crowds, and subjected to regular and stressful handling. Such individuals spend much of their lives living within restrictive, unnatural environments, often separated from other individuals and provided with little or no environmental stimulation.

Neither natural environments nor many highly motivated natural behaviours can be recreated in circuses, and only limited enrichment can be provided. The high level of abnormal behaviour observed testifies to the absence of useful environmental stimulation⁶⁰. For animals in travelling circuses they are also forced to endure long periods of time in transit and regularly exposed to unfamiliar and potentially stressful environments.

These factors are likely to be having a negative impact on the welfare of captive wild animals used in circuses in Vietnam, leading to many experiencing negative affective states. Experience has demonstrated that this impact can last for a lifetime even when individuals have been fortunate enough to be removed and placed into a more appropriate environment.

The use of certain wild animals in circuses is also inherently dangerous, particularly to circus staff and to children who meet them through rides, photo opportunities and being in the vicinity of travelling circuses. The risks that many animals used in circus performances pose to public health and safety through direct attack, escape or temporary loss of handler control increases considerably because of poor animal welfare conditions, inadequate safety measures, and excessive handling⁶¹.

Three children in Vietnam have been killed by circus elephants in recent years and circuses using dangerous wild animals such as elephants, crocodiles and bears pose a significant risk of further incidents occurring. The combination of the temporary nature of accommodation during travel (or at temporary sites in the case of travelling circuses), the proximity of animals to people during performances and the practice of 'parading' animals through towns where circuses are performing⁶², represents a serious risk of accident or escape.

Some animals such as macaques and pythons not only pose the threat of physical injury, but the significant potential for disease transmission between animals and people.

Promoting the use of wild animals in circus shows and for animal interaction opportunities conveys a public message of animal use purely for entertainment and does nothing to promote respect and empathy. The appalling treatment of animals by Vietnamese animal handlers during performances demonstrates gross negligence, and a lack of compassion for animals as sentient individuals. Visitors are neither educated on the nature or behaviour of the wild animals they see, nor the need to protect and care for them and their wild counterparts.

In a number of cases the continued use of animals in circuses is in breach of the WAZA and VZA policies on the use of animals in shows, yet the facilities continue to use animals for entertainment and no consequences of such disregard for association policy have been publicly presented to them.

Behavioural research is demonstrating that the lives of animals are much more complex than we previously

59 <http://www.iucnredlist.org/details/22824/0>

60 Animals in Travelling Circus; the Science of Suffering, Animal Defenders International 2008 http://federalcircusbill.org/briefings/SCS_US_rep_FINAL_Jun%2015%2008_LOW%20RES.pdf

61 Public Safety and the Ineffectiveness of Circus Recapture Plans, Zoocheck Canada 2003

62 Personal observations

understood, animal social groupings, communication, feelings of pain, fear and anxiety, and the positive feelings of pleasure and play are vitally important to them. They can also be reduced to a state resembling human depression by chronic stress or confinement in a cage. This greater understanding of animal sentience has implications for the way we treat animals and the policies and laws we adopt.

The physical and psychological suffering of wild animals in circuses has been recognised in many countries where either all animals, all wild-caught animals, or some or all species of non-domesticated animals, are prohibited from being used in circuses⁶³.

Captive wild animal facilities in Vietnam are ideally placed to promote messages of conservation and environmental protection to the public. These messages are being undermined by the continued promotion of animals as entertainers by those involved within the circus industry, thus making the work of Vietnamese zoos and safari parks to educate the public about the natural behaviours of wild animals and the need for us to conserve them and their habitats more difficult.

A national law banning the use of wild animals in animal performances which force animals to carry out unnatural behaviours in Vietnam, is necessary. This will demonstrate a national commitment to supporting captive wild animal facilities that aim to protect animals from extinction, protect the natural environment, and protect animals from suffering.

⁶³ Bolivia , Bosnia and Herzegovina, Cyprus , and Greece have banned the use of all animals in circuses. Austria , Columbia , Costa Rica, Croatia , El Salvador, Israel , Netherlands , Paraguay , Peru, Portugal , Singapore , and Slovenia have complete prohibitions on the use of wild animals in circuses. Legislation is also progressing within Belgium. Local bans on the use of animals in circuses in certain cities, districts and states exist in Argentina , Australia , Brazil , Canada , Chile , Ireland , Spain , and the USA . India , Cyprus and Slovenia have bans on use of cetaceans in captivity and subsequently in performances.



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Appendix One

Captive wild animal facilities using wild animals in circuses in Vietnam

Circus Name	City/Province	Operator	Type of Facility	Established
Au Co Circus ⁶⁴	Hanoi	Private company	Travelling circus – developed from a group of lion dancers. Mainly in northern provinces near Hanoi	2008
Ba Na Hills Resort	Hoi An		Tourist resort	2009
Bao Son Zoo	Hanoi		Zoo	
Monkey Island	Can Gio Biosphere Reserve		Tourist resort	The reserve was recovered in 1979
Central Circus	Hanoi	Vietnam Circus Federation	Static circus	1956
Central Circus	Hanoi	Vietnam Circus Federation	Travelling circus	
Dai Duong Circus Art Troup	Phu Yen		Travelling circus – government supported troupe	Established in 2001 (previously under the management of the Department of Performing Arts, Ministry of Culture, Sports & Tourism)
Dam Sen Tourist Park	Ho Chi Minh City	Southern Arts Theatre	Amusement park	The new circus was open on Sept 2, 2016
Ho Chi Minh City circus	Ho Chi Minh City	Southern Arts Theatre / Phuong Nam Art Theatre	Static circus	Established in October 2013 to merge the Saigon circus (established in 1986) and the HCMC water puppet troupe (established in 1977)
Ho May Park Resort	Vung Tau		Tourist resort	
Hong Loc ⁶⁵	Hanoi, tourist attractions		Travelling circus	2004
Long An			Travelling circus	1982 ⁶⁶
Monkey island / Hoa Lan Stream	Nha Trang	Long Phu Tourist Company / Hong Loc	Tourist resort	
Saigon Zoo			Zoo	
Thai Duong Circus			Travelling circus	
Thang Long Circus	Hanoi		Travelling Circus	
Tuan Chau resort	Halong	Hong Loc Circus & Vietnam Circus Federation	Tourist resort	

64 <https://www.facebook.com/dichvuchothuexiec>

65 <http://xiecthuhongloc.com.vn/index.php>

66 <http://tapchisonghuong.com.vn/tin-tuc/p0/c99/n15940/Cam-dong-thong-diep-Hoang-Sa-Truong-Sa-la-cua-Viet-Nam-trong-ganh-xiec-Long-An.html>

Circus that have closed

Circus Name	City/Province	Operator		Established
Binh Minh Circus Troupe	Thai Binh Province		Travelling circus	1999 ⁶⁷ Closed in 2009 ⁶⁸
Hoang Nam Circus⁶⁹				Established in Sept 2006, shut down since December 8, 2010
Sao Mai Circus				Established in 2006, shut down in July 2014
Suoi Tien Theme Park	Ho Chi Minh City	Hong Loc	Amusement park	Contract with Hong Loc circus
Vinpearl resort	Nha Trang	Hong Loc Circus ⁷⁰	Tourist resort	

Appendix Two

Performance animals in Vietnamese Circuses

Circus	Animals
Au Co Circus	Macaque, dog, python, bear
Ba Na Hills Resort	Bears
Can Gio UNESCO Biosphere Reserve	Macaques, dogs and a crocodile ⁷¹
Central Circus	Elephants, bears, macaques, dogs, goats, horses, ostrich, pythons, green pit vipers, and doves
Dai Duong Circus Art Troup	Crocodiles and scorpions
Dam Sen Tourist Park	Macaques, bears, orangutan, and elephants
Hoa Lan Stream / Monkey Island, Nha Trang	Elephant, ostrich, bear, macaques, dogs, macaws, and pythons
Ho Chi Minh City circus	Bears, macaques, dog, python, and crocodile
Ho May Park Resort	Macaques, dogs
Hong Loc	Bears, macaques, dogs, cats, birds, snakes, goats, crocodile, gibbons, wolves, poultry, and a pig
Long An	Macaques, bears, python, and horses
Saigon Zoo	Macaques, elephants and dogs
Thai Duong Circus	Macaques
Thang Long Circus	Crocodile
Tuan Chau Resort, Halong	Macaques and crocodiles

67 <https://m.vietnambreakingnews.com/2014/12/12-year-old-boy-killed-by-circus-elephant>

68 <http://doanhnghiep.baohuongmai.com.vn/thong-tin/DNTN-doanh-nghe-thuat-xiec-hai-kich-Binh-Minh-c4bcc.html>

69 <https://doanhnghiepmoi.vn/company/Doanh-nghiep-tu-nhan-xiec-truyen-thong-Hoang-Nam-1578f.html>

70 <http://xiecthuhongloc.com.vn/index.php>

71 Can Gio Management authority reportedly stopped using the crocodile in performances in November 2017

Appendix Three

Performance animals in Vietnamese Circuses

Asiatic Black Bear	Central Circus	Dam Sen	Hong Loc	Monkey Island, Nha Trang	Au Co Circus	Ba Na Hills
walk on top of large cylindrical object		x				
balance on a wooden board on top of a cylindrical object	x	x	x			x
jump through a hoop of fire		x				
perform handstands and walk on their paws whilst balancing on an elevated wooden beam	x	x				
play basketball	x					
perform acrobatics	x	x				
ride bicycles	x	x		x	x	x
ride motorbikes	x			x		x
Perform handstand on platform and walk down a ladder on front paws			x			
jump over small obstacles	x					

Macaque	Central Circus	Dam Sen	Can Gio	Hong Loc	Monkey Island, Nha Trang	Thai Duong Circus	Long An	Au Co
Sit in a swinging carousel	x							
Walk across an elevated wooden beam	x		x	x	X			x
balance on a wooden board on top of a cylindrical object	x		x	x	X			
perform handstands on an elevated wooden platform	x			x	X			
play basketball	x							
perform acrobatics	x		x		X			
ride bicycles	x	x	x	x	X	x	x	
Ride on the back of a dog (and jump through burning hoop) ⁷²	x			X	X			
Ride on the back of a goat and perform acrobatics		x						
Ride on the back of an ostrich	x	x						
Catch rings and place over head		x	x					
Perform press ups			x					
Grind rice		X	x	x	X		x	
Walk on stilts		x			X			
Push a wheelbarrow								
Walk on top of a rolling barrel					X			
Headstand on spinning object					X			
Swim (racing)					X			
Ride on the back of dogs (racing)					x			

Elephant	Central Circus	Dam Sen	Monkey Island, Nha Trang
Carry performers / audience members in their trunks	x		x
Sit on stools	x		
Rear upon on their back legs	x		
perform handstands on their front legs	x	x	
Balance by one leg on a spinning top and spin around	x		
Play harmonica		X	
Kick footballs		x	x
Stand with all four legs on a stool			X
Walk over the top of an animal handler			X

Orangutan	Dam Sen
Pretend to brush teeth	X
Pretend to eat with spoon and bowl whilst sitting at a table	X
Spin plates on fingers	X
Ride bicycle	x

Snakes	Central Circus	Hong Loc	Monkey Island, Nha Trang	Thai Duong	Long An
Snake placed around performers body	x	X	x	X	x
Snake placed around members of the public	x		x		
Snakes mouth placed inside of handlers mouth	x			x	

Crocodile	Hong Loc	Thai Duong	Can Gio Biosphere Reserve	Thang Long Circus
Place hand into crocodiles mouth	X	x	x	
Place head into crocodiles mouth	X	x		
Lie on top of crocodile	X			

Ostrich	Central Circus
Chased around the arena	X
Strapped onto a mechanical bike and forced to ride around the arena	X
Chased around the arena whilst carrying a macaque on its back	X

Appendix Four

DECREE No. 32/2006/ND-CP OF MARCH 30, 2006, ON MANAGEMENT OF ENDANGERED, PRECIOUS AND RARE FOREST PLANTS AND ANIMALS

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government; Pursuant to the December 3, 2004 Law on Forest Protection and Development; At the proposal of the Agriculture and Rural Development Minister, DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation and subjects of application:

1. Scope of regulation: This Decree provides for the management and the list of endangered, precious and rare forest plants and animals from Vietnam's forests.

2. Subjects of application: State agencies, organizations, households and individuals at home, overseas Vietnamese, foreign organizations and individuals that conduct activities related to management of endangered, precious and rare forest plants and animals in the Vietnamese territory defined in this Decree.

Where treaties which the Socialist Republic of Vietnam has signed or acceded to contain provisions different from those of this Decree, the provisions of such treaties shall apply.

Article 2.- Grouping of endangered, precious and rare forest plants and animals:

1. Interpretation of terms:

Endangered, precious and rare forest plants and animals mean plant and animal species of special economic, scientific or environmental value, surviving in small populations in nature or in danger of extinction, and on the list of endangered, precious and rare forest plants and animals promulgated by the Government.

2. Endangered, precious and rare forest plants and animals are divided into the following two groups (see the list enclosed herewith):

a/ Group I, which consists of those strictly banned from exploitation and use for commercial purposes, including forest plants and animals of scientific or environmental value or high economic value, with very small populations in nature or in high danger of extinction.

Forest plants and animals of group I are divided into: Group I A, which consists of forest plants. Group I B, which consists of forest animals.

b/ Group II, which consists of those restricted from exploitation or use for commercial purposes, including forest plants and animals of scientific or environmental value or high economic value, with small populations in nature or in danger of extinction.

Forest plants and animals of group II are divided into: Group II A, which consists of forest plants. Group II B, which consists of forest animals.

Article 3.- The State's policies on management of endangered, precious and rare forest plants and animals

1. The State invests in management and protection of endangered, precious and rare forest plants and animals in special-use forests, in salvage of confiscated endangered, precious and rare forest plants and animals.
2. The State provides supports for remedying damage caused by endangered, precious and rare, wild forest animals to organizations located, households and individuals living outside special-use forests, households and individuals lawfully residing in

special-use forests (as certified by administrations of communes where such special-use forests exist) according to the provisions of law.

3. The State encourages, assists and assures legitimate rights and interests of organizations, households and individuals that invest in management, protection and development of endangered, precious and rare forest plants and animals.

Chapter II

Article 4.- Monitoring of development of endangered, precious and rare forest plants and animals

1. People's Committees of all levels shall have to direct and organize the assessment of the actual state of endangered, precious and rare forest plants and animals in their localities; sum up the assessment together with the forest statistics and inventory and monitoring of development of forest resources as specified in Article 32 of the 2004 Law on Forest Protection and Development and the Agriculture and Rural Development Ministry's guidance.
2. The Agriculture and Rural Development Ministry shall assume the prime responsibility for, and coordinate with the Finance Ministry in, directing and guiding the study and assessment of the actual state of endangered, precious and rare forest plants and animals; summing up the assessment nationwide together with the forest statistics and inventory and monitoring of development of forest resources as specified in Article 32 of the 2004 Law on Forest Protection and Development.

Article 5.- Protection of endangered, precious and rare forest plants and animals

1. Forests where endangered, precious and rare forest plants and animals are densely distributed shall be considered for the establishment of special-use forests according to the provisions of law.

Endangered, precious and rare forest plants and animals living outside special-use forests shall be protected according to the provisions of this Decree and current provisions of law.
2. Organizations, households and individuals that carry out activities of production, construction of works, survey, exploration, research, sight-seeing, tourism and other activities in forests home to endangered, precious and rare forest plants and animals shall comply with the provisions of this Decree, law on forest protection and development and law on environmental protection.
3. The following acts are prohibited:

a/ Exploiting endangered, precious and rare forest plants; hunting, trapping, catching, caging and

slaughtering endangered, precious and rare forest animals in contravention of the provisions of this Decree and current provisions of law.

b/ Transporting, processing, advertising, trading in, using, storing, exporting or importing endangered, precious and rare forest plants and animals in contravention of the provisions of this Decree and current provisions of law.

Article 6.- Exploitation of endangered, precious and rare forest plants and animals

1. Exploitation of forest plants and animals of Group I:

Forest plants and animals of Group I shall be exploited only for scientific purposes of research (including purpose of creation of prototype breed sources in service of artificial breeding and culture) and international cooperation.

The exploitation of forest plants and animals of Group I must not adversely affect the conservation of such species in nature and must be performed under plans approved by the Agriculture and Rural Development Ministry.

2. Exploitation of forest plants and animals of Group II:

a/ Exploitation of forest plants and animals of Group II in special-use forests:

- They shall be exploited only for purposes of scientific research (including creation of prototype breed sources in service of artificial breeding and culture) and international cooperation.

- The exploitation of forest plants and animals of Group II in special-use forests must not adversely affect the conservation of such species and must be performed under plans approved by the Agriculture and Rural Development Ministry.

b/ Exploitation of forest plants and animals of Group II outside special-use forests:

- Forest plants of Group II A outside special-use forests may only be exploited according to the Regulation on exploitation of timber and other forest products promulgated by the Agriculture and Rural Development Ministry.

- Forest animals of Group II B outside special-use forests may only be exploited for purposes of scientific research (including creation of prototype breed sources in service of breeding) and international cooperation.

The exploitation of forest animals of Group II B outside special-use forests must not adversely affect the conservation of such species in nature and must be performed under plans approved by the Agriculture and Rural Development Ministry, for forests managed by centrally-run organizations, or approved by provincial-level People's Committees, for forests managed by local organizations or individuals.

3. The Agriculture and Rural Development Ministry shall assume the prime responsibility for, and coordinate with the Natural Resources and Environment Ministry in, guiding the procedures and order for approving plans on exploitation of endangered, precious and rare forest plants and animals from nature.

Article 7.- Transportation and storing of endangered, precious and rare forest plants and animals exploited from nature and products thereof

Endangered, precious and rare forest plants and animals exploited from nature and products thereof from nature, when being transported or stored, must comply with the following regulations:

1. There must be sufficient papers proving lawful exploitation origins according to the provisions of Article 6 of this Decree and other papers according to the current provisions of law on handling of material evidences employed in violations (for cases where endangered, precious and rare forest plants and animals and products thereof are confiscated in administrative or criminal cases).
2. Transportation of endangered, precious and rare forest animals and products thereof out of provinces or centrally-run cities shall require special transportation permits granted by provincial-level forest ranger offices.
3. Transportation of endangered, precious and rare forest plants and animals and products thereof must comply with the State's regulations on inspection and control of forest products. Particularly for timbers of Group I A and Group II A exploited from natural forests in the country, apart from the procedures specified in Clause 1 of this Article, forest ranger's hammer indentations made according to the regulations on management of forest ranger's hammers are required.

Article 8.- Development of endangered, precious and rare forest plants and animals

1. Artificial culture of endangered, precious and rare forest plants; breeding and rearing of endangered, precious and rare forest animals shall comply with the provisions of law on management of export, import, re-export, introduction from the sea, transit, artificial culture and breeding of endangered wild plant and wild animal species.
2. The exploitation, transportation and storing of endangered, precious and rare forest plants and animals, which are artificially reared or cultured, and products thereof must be accompanied with documentary proofs of origin according to the provisions of law on export, import, re-export, transit, introduction from the sea, artificial culture and breeding of endangered wild plant and wild animal species.

Article 9.- Processing and trading of endangered, precious and rare forest plants and animals and products thereof

1. It is strictly prohibited to process or trade in endangered, precious and rare forest plants of group I A, and endangered, precious and rare forest animals of Group I B and Group II B exploited from nature and products thereof for commercial purposes (except for the cases specified in Clause 2 of this Article).
2. It is permitted to process or trade in the following objects for commercial purposes:
 - Endangered, precious and rare forest animal species originating from artificial breeding and products thereof; endangered, precious and rare forest animal species of Group II B which are material evidences confiscated according to the State's current regulations as they can no longer be salvaged and released into the environment.
 - Endangered, precious and rare forest plants of Group I A which are material evidences confiscated according to the State's current regulations; endangered, precious and rare forest plants of Group II A exploited from nature and those originating from artificial culture.

Organizations and individuals that process or trade in endangered, precious and rare forest plants and animals for commercial purposes must satisfy the following requirements:

a/ They have business registrations for processing and/or trading of forest plants and animals and products thereof, granted by competent state agencies.

b/ Endangered, precious and rare forest plants and animals and products thereof are of lawful origin according to the provisions of Articles 6, 7 and 8 of this Decree.

c/ They open books for monitoring the actual receipt and delivery of endangered, precious and rare forest plants and animals and products thereof according to the Agricultural and Rural Development Ministry's regulations, and submit to the supervision and inspection by forest ranger offices according to current provisions of law.

Article 10.- Handling of violations

1. Organizations and individuals that commit acts of violating this Decree's provisions on management of endangered, precious and rare forest plants and animals shall, depending on the nature and seriousness of their violations, be administratively handled. Violating individuals may be examined for penal liability according to current provisions of law.
2. Violations' material evidences and proofs being endangered, precious and rare forest plants and animals and products thereof shall be managed

and handled according to the provisions of law on handling of administrative violations and law on criminal procedures and the following provisions:

a/ Live plants and animals which are temporarily seized in the course of handling must be given proper care and salvage for their safety.

b/ Live plants and animals which are temporarily seized and certified by quarantine offices to be affected with diseases which may spread into epidemics shall be immediately culled according to current provisions of law.

Article 11.- Handling of cases where endangered, precious and rare forest animals harm or threaten to harm people's life and property

1. In any cases where forest animals threaten to harm people's property or life; organizations, households or individuals should first apply measures to drive away such animals without harming them.
2. Where endangered, precious and rare forest animals attack and threaten to harm the life of people outside special-use forests, and after all measures of driving away such animals have been applied but in vain, these cases should be reported in writing to presidents of People's Committees of districts, provincial towns or provincially-run cities (called district-level People's Committees for short) for consideration and decision on permission for trapping or hunting such animals for self-defense and protection of people's life.

Presidents of district-level People's Committees shall personally direct the trapping and hunting of endangered, precious and rare forest animals for self-defense purpose when they attack and threaten to harm people's life.

For particularly precious and rare animals such as elephant (*Elephas maximus*), rhinoceros (*Rhinoceros sondaicus*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), nebulose leopard (*Neofelis nebulosa*), bear (*Ursus (Helarctos) malayanus*; *Ursus (Selenarctos) thibetanus*), gayal (*Bos gaurus*), gray gaur (*Bos sauveli*), Javanese gaur (*Bos javanicus*), owre (*Bubalus arnee*), presidents of provincial-level People's Committees should be reported for consideration. Where it is impossible to apply other measures (driving away or moving them to other forests) to protect people's life, presidents of provincial-level People's Committees shall decide to permit the application of measures of trapping or hunting for self-defense after obtaining consent of the Agriculture and Rural Development Minister and the Natural Resources and Environment Ministry.

Organizations assigned to trap or hunt endangered, precious and rare forest animals for self-defense when such animals attack and threaten to harm people's life shall be responsible for keeping intact

the scenes and make written records for handling and reporting to immediate superior authorities within 5 working days.

a/ Where trapped or hunted forest animals die or are incurably wounded, written records thereon shall be made for handover of such animals to scientific research institutions for use as specimens in service of training and research or for hygienic cull.

b/ Where trapped or hunted forest animals are curably wounded, they shall be transferred to forest animal salvage establishments or local forest ranger offices for care until they recover and are released into forests.

c/ Where trapped or hunted forest animals are in good health, they shall be promptly released into forests planned as special-use forests (nature conservation zones, national parks) where exist their habitats.

All cases of trapping or hunting of endangered, precious and rare forest animals in contravention of the provisions of this Article shall be regarded as violating the State's regulations on management of endangered, precious and rare forest animals and handled according current provisions of law.

Article 12.- Rights and obligations of forest owners

Forest owners shall have the rights and obligations currently provided for by law. They shall also have the following rights and obligations toward endangered, precious and rare forest plants and animals:

1. To exploit endangered, precious and rare forest plant and animal species according to the provisions of Article 6 of this Decree.
2. To be supported and protected by the State regarding their legitimate rights for and interests from investment in management, protection and development of endangered, precious and rare forest plants and animals.
3. To work out and realize plans on management, protection and development of endangered, precious and rare forest plants and animals on forest and forest land areas allocated to them.
4. To monitor and report to competent state agencies on the actual state of endangered, precious and rare forest plants and animals according to the provisions of Points a and b, Clause 2, Article 32 of the Law on Forest Protection and Development on forest and forest land areas allocated or leased by the State.
5. To issue internal protection rules, and post them up for every forest where endangered, precious and rare forest plants and animals exist.

Chapter III

IMPLEMENTATION PROVISIONS

Article 13.- Responsibilities to guide and implement

1. The Agriculture and Rural Development Ministry shall have the responsibilities:

a/ To guide, organize and inspect the implementation of this Decree.

b/ To annually report to the Government on the management of endangered, precious and rare forest plants and animals.

2. Ministers, heads of ministerial-level agencies, heads of Government-attached agencies and presidents of provincial/municipal People's Committees shall have to implement this Decree.

Article 14.- Implementation effect

1. This Decree takes effect 15 days after its publication in "CONG BAO."
2. This Decree replaces the Council of Ministers' Decree No. 18/HDBT of January 17, 1992, promulgating the list of precious and rare forest plants and animals and the regime of management and protection thereof, and the Government's Decree No. 48/2002/ND- CP of April 22, 2002, amending and supplementing the list of precious and rare forest plants and animals and the regime of management and protection thereof, promulgated together with the Council of Ministers' No. 18/HDBT of January 17, 1992.

On behalf of the Government Prime Minister
PHAN VAN KHAI

LIST OF ENDANGERED, PRECIOUS AND RARE FOREST PLANTS AND ANIMALS (Promulgated together with the Government's Decree No. 32/2006/ND-CP of March 30, 2006)

GROUP I: Forest plants and animals banned from exploitation and use for commercial purposes

IA. Forest plants

Ordinal number	Scientific names
	PINOPHYTA
1	Cupressus torulosa
2	Taiwania cryptomerioides
3	Xanthocyparis vietnamensis
4	Abies delavayi fansipanensis
5	Pinus kwangtungensis
6	Taxus wallichiana (T. baccata wallichiana)

7	Glyptostrobus pensilis
	MAGNOLIOPHYTA
	Magnoliopsida
8	Berberis julianae
9	Berberis wallichiana
10	Diospyros salletii
11	Dalbergia tonkinensis
12	Coptis chinensis
13	Coptis quinquesecta
	Liliopsida
14	Anoectochilus spp.
15	Paphiopedilum spp.

I B. Forest animals

Ordinal number	Scientific names
	MAMMALIA
	Dermoptera
1	Cynocephalus variegatus
	Primates
2	Nycticebus bengalensis (N. coucang)
3	Nycticebus pygmaeus
4	Pygathrix cinerea
5	Pygathrix nemaus
6	Pygathrix nigripes
7	Rhinopithecus avunculus
8	Trachypithecus barbei (T. phayrei)
9	Trachypithecus delacouri
10	Trachypithecus francoisi
11	Trachypithecus hatinhensis
12	Trachypithecus poliocephalus
13	Trachypithecus villosus (T. cristatus)
14	Nomascus (Hylobates) concolor
15	Nomascus (Hylobates) gabriellae
16	Nomascus (Hylobates) leucogenys
17	Nomascus (Hylobates) nasutus
	Carnivora
18	Cuon alpinus
19	Ursus (Helarctos) malayanus
20	Ursus (Selenarctos) thibetanus
21	Lutra lutra
22	Lutra sumatrana
23	Lutrogale (Lutra) perspicillatra
24	Amblonyx (Aonyx) cinereus (A. cinerea)
25	Arctictis binturong

26	Catopuma (Felis) temminckii
27	Felis chaus
28	Pardofelis (Felis) marmorata
29	Prionailurus (Felis) bengalensis
30	Prionailurus (Felis) viverrina
31	Neofelis nebulosa
32	Panthera pardus
33	Panthera tigris
	Proboscidea
34	Elephas maximus
	Perissodactyla
35	Rhinoceros sondaicus
	Artiodactyla
36	Axis (Cervus) porcinus
37	Cervus eldii
38	Megamuntiacus vuquangensis
39	Muntiacus truongsongensis
40	Moschus berezovskii
41	Bos gaurus
42	Bos javanicus
43	Bos sauveli
44	Bubalus arnee
45	Naemorhedus (Capricornis) sumatraensis
46	Pseudoryx nghetinhensis
	Lagomorpha
47	Nesolagus timinsi
	AVES
	Pelecaniformes
48	Leptoptilos javanicus
49	Pseudibis davisoni
50	Platalea minor
	Gruiformes
51	Grus antigone
	Galiformes
52	Polyplectron bicalcaratum
53	Polyplectron germaini
54	Rheinardia ocellata
55	Pavo muticus
56	Lophura diardi
57	Lophura edwardsi
58	Lophura hatinhensis
59	Lophura imperialis

60	Lophura nycthemera
	REPTILIA
	Squamata
61	Ophiophagus hannah
	Testudinata
62	Cuora trifasciata

GROUP II: Forest plants and animals restricted from exploitation and use for commercial purposes

II A. Forest plants

Ordinal number	Scientific names
	PINOPHYTA
1	Cephalotaxus mannii
2	Calocedrus macrolepis
3	Calocedrus rupestris
4	Fokienia hodginsii
5	Keteleeria evelyniana
6	Pinus dalatensis
7	Pinus krempfii
8	Taxus chinensis
9	Cunninghamia konishii
	Cycadopsida
10	Cycas spp.
	MAGNOLIOPHYTA
	Magnoliopsida
11	Panax bipinnatifidum
12	Panax stipuleanatus
13	Panax vietnamensis
14	Asarum spp.
15	Markhamia stipulata
16	Afzelia xylocarpa
17	Arythrophloeum fordii
18	Sindora siamensis
19	Sindora tonkinensis
20	Codonopsis javanica
21	Garcinia fagraeoides
22	Dalbergia cochinchinensis
23	Dalbergia oliveri (D. bariensis, D. mammosa)
24	Pterocarpus macrocarpus
25	Cinnamomum balansae
26	Cinnamomum glaucescens
27	Cinnamomum parthenoxylon

28	Coscinium fenestratum
29	Fibraurea tinctoria (F. chloroleuca)
30	Stephania spp.
31	Thalictrum foliolosum
32	Excentrodendron tonkinensis (Burretiodendron tonkinensis)
	Liliopsida
33	Disporopsis longifolia
34	Lilium brownii
35	Polygonatum kingianum
36	Dendrobium nobile
37	Nervilia spp.

II B. Forest animals

Ordinal number	Scientific names
	MAMMALIA
	Chiroptera
1	Pteropus vampyrus
	Primates
2	Macaca arctoides
3	Macaca assamensis
4	Macaca fascicularis
5	Macaca leonina (M. nemestrina)
6	Macaca mulatta
	Carnivora
7	Vulpes vulpes
8	Canis aureus
9	Mustela kathiah
10	Mustela nivalis
11	Mustela strigidorsa
12	Viverra megaspila
13	Viverra zibetha
14	Viverricula indica
15	Prionodon pardicolor
16	Chrotogale owstoni
	Artiodactyla
17	Tragulus javanicus
18	Tragulus napu
	Rodentia
19	Hylopetes alboniger
20	Hylopetes lepidus
21	Hylopetes phayrei
22	Hylopetes spadiceus
23	Petaurista elegans

24	Petaurista petaurista Pholydota	54	Garrulax vassali
25	Manis javanica	55	Garrulax yersini
26	Manis pentadactyla	56	Gracula religiosa
	AVES		REPTILIA
	Ciconiiformes		Squamata
		57	Varanus bengalensis (V. nebulosa)
27	Ciconia episcopus	58	Varanus salvator
28	Thaumabitis (Pseudibis) gigantea Anseriformes	59	Python curtus
29	Cairina scutulata Gruiformes	60	Python molurus
30	Houbaropris bengalensis Falconiformes	61	Python reticulatus
31	Spilornis cheela	62	Elaphe radiata
32	Polihierax insignis Galiformes	63	Ptyas mucosus
33	Arborophila davidi	64	Bungarus candidus
34	Arborophila charltonii Cuculiformes	65	Bungarus flaviceps
35	Carpococcyx renauldi Columbiformes	66	Bungarus multicinctus
36	Columba punicea Apodiformes	67	Bungarus fasciatus
37	Collocalia germaini Coraciiformes	68	Naja naja Testudinata
38	Buceros bicornis	69	Platysternum megacephalum
39	Annorhinus tickelli	70	Heosemys grandis
40	Aceros nipalensis	71	Hieremys annandalii
41	Aceros undulatus Psittaciformes	72	Mauremys annamensis
42	Psittacula eupatria	73	Indotestudo elongata
43	Psittacula finschii	74	Manouria impressa Crocodylia
44	Psittacula roseata	75	Crocodylus porosus
45	Psittacula alexandri	76	Crocodylus siamensis
46	Loriculus verlanis Strigiformes		AMPHIBIAN
47	Tyto alba		Caudata
48	Tyto capensis	77	Paramesotriton deloustali
			INSECTA
49	Ketupa zeylonensis Passeriformes		Coleoptera
50	Copsychus malabaricus	78	Dorcus curvidens
51	Garrulax formosus	79	Dorcus grandis
52	Garrulax merulinus	80	Dorcus antaneus
53	Garrulax milleti	81	Eurytrachelteulus titanus
		82	Cheriotonus battareli
		83	Cheriotonus iansoni
		84	Eupacrus gravilicornis
			Lepidoptera
		85	Teinopalpus aureus
		86	Teinopalpus imperialis
		87	Troides helena ceberus
		88	Zeuxidia masoni
		89	Phyllium succiflorium

Appendix Five

Imports of Orangutans into Vietnam, CITES trade data between 1998 and 2015

Year	Appendix	Taxon	Importer	Exporter	Term	Purpose	Source
1998	I	Pongo pygmaeus	VN	SG	Live	Z	W
1999	I	Pongo pygmaeus	VN	SG	Live	Z	W
1999	I	Pongo pygmaeus	VN	SG	Live	Z	C

Source; <https://trade.cites.org/>

Appendix Six

Convention on International Trade in Endangered Species of Wild Fauna and Flora, Articles II, III & VIII

Signed at Washington, D.C., on 3 March 1973

Amended at Bonn, on 22 June 1979

Amended at Gaborone, on 30 April 1983

Article II

Fundamental Principles

- Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.
- Appendix II shall include:
 - all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation to avoid utilization incompatible with their survival; and
 - other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.
- Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.
- The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

Article III

Regulation of Trade in Specimens of Species Included in Appendix I

- All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.
- The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;
 - a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.
- The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:
 - a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
 - a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

(c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

Article VIII

Measures to Be Taken by the Parties

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:
 - (a) to penalize trade in, or possession of, such specimens, or both; and
 - (b) to provide for the confiscation or return to the State of export of such specimens.
2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.
3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.
4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:
 - (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
 - (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
 - (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under sub-paragraph (b) of this paragraph, including the choice of a rescue centre or other place.
5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.

6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:

(a) the names and addresses of exporters and importers; and

(b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:

(a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and

(b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.

8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

CITES 'commercial purposes' definition

Resolution Conf. 5.10 (Rev. CoP15)

Definition of 'primarily commercial purposes'

OBSERVING that, under Article III, paragraphs 3 (c) and 5 (c), of the Convention, a permit for the import or a certificate for the introduction from the sea of specimens of Appendix I species may be issued only if certain conditions are met, including that the Management Authority of the State of import (or introduction from the sea) is satisfied that the specimens are not to be used for primarily commercial purposes;

RECOGNIZING that, because the Convention does not define the terms 'primarily commercial purposes', 'commercial purposes' in paragraph 4 of Article VII, or 'non-commercial' in paragraph 6 of Article VII, the term 'primarily commercial purposes' (as well as the other terms mentioned above) may be interpreted by the Parties in different ways;

ACKNOWLEDGING that the Parties' differing legislation and legal traditions will make it difficult to reach agreement on a simple 'objective' interpretation of the term and that the facts concerning each import will determine whether a proposed use would be for primarily commercial purposes;

RECOGNIZING that lack of specific definitions for terms involving 'commercial' and the importance of the facts concerning each proposed transaction

create a need for consensus by the Parties regarding general principles and examples to guide the Parties in assessing the commerciality of the intended use of those specimens of Appendix I species to be imported;

AWARE that agreement on interpreting the term 'primarily commercial purposes' is important because of the fundamental principle in Article II, paragraph 1, of the Convention that trade in specimens of Appendix I species must be subject to particularly strict regulation and only authorized in exceptional circumstances;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that for the purposes of Article III, paragraphs 3 (c) and 5 (c), of the Convention, the following general principles and the examples in the Annex attached to the present Resolution be used by the Parties in assessing whether the import of a specimen of an Appendix I species would result in its use for primarily commercial purposes:

General principles

- 1 Trade in Appendix I species must be subject to particularly strict regulation and authorized only in exceptional circumstances.
- 2 An activity can generally be described as 'commercial' if its purpose is to obtain economic benefit (whether in cash or otherwise), and is directed toward resale, exchange, provision of a service or any other form of economic use or benefit.
- 3 The term 'commercial purposes' should be defined by the country of import as broadly as possible so that any transaction which is not wholly 'non-commercial' will be regarded as 'commercial'. In transposing this principle to the term 'primarily commercial purposes', it is agreed that all uses whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature, with the result that the import of specimens of Appendix I species should not be permitted. The burden of proof for showing that the intended use of specimens of Appendix I species is clearly non-commercial shall rest with the person or entity seeking to import such specimens.
- 4 Article III, paragraphs 3 (c) and 5 (c), of the Convention concern the intended use of the specimen of an Appendix I species in the country of import, not the nature of the transaction between the owner of the specimen in the country of export and the recipient in the country of import. It can be assumed that a commercial transaction underlies many of the transfers of specimens of Appendix I species from the country of export to the country of import. This does not automatically mean, however, that the specimen is to be used for

primarily commercial purposes.

<https://cites.org/eng/res/05/05-10R15.php>

Appendix Seven

Animal Welfare – Five Welfare Domains Model

To ensure that the physical, psychological and behavioural needs of captive wild animals are being met, captive facilities must adopt the principles of the Five Welfare Domains (Mellor and Reid, 1994).

The five welfare domains advocate for management practices that allow animals to experience 'positive affective states'.

Five Welfare Domains Model

Physical Domains

1. Nutrition: appropriate consumption of nutritious foods is a pleasurable experience
Negative influences: deprivation of food and/or water, poor quality food/water
Leading to negative states: hunger, thirst, nausea, weakness, dizziness
Positive influences: appropriate nutrition, readily available food
Leading to positive states: satiety, consummatory satisfaction, reward
2. Environmental: benign conditions offering adaptive choices and variety
Negative influences: environmental challenge (e.g., animals in restricted environments)
Leading to negative states: isolation, fear, boredom, frustration
Positive influences: environmental choice (e.g., animals in enriched, naturalistic environments)
Leading to positive states: contentment, affectionate companionability, security, goal-directed engagement, curiosity
3. Health: physically sound animals enjoy good health
Negative influences: disease, injuries
Leading to negative states: pain, distress, discomfort, debility
Positive influences: fitness
Leading to positive states: vitality
4. Behaviour: environment-focused and inter-animal activities are satisfying and engaging
Negative influences: behavioural frustration (e.g., social animal held in isolation)
Leading to negative states: boredom, frustration, anger
Positive influences: behavioural expression (e.g., social animal in a secure social group)
Leading to positive states: reward, playfulness, calmness

The negative and positive influences within these four domains lead to the fifth domain, i.e., what the animal experiences due to these influences.

Mental Domain

5. Mental or Affective State: e.g., animals experience comfort, pleasure, interest and confidence

Incorporation of the five welfare domains within a captive setting would ensure animals are managed in ways that reduce the negative states and promote the positive states.

Appendix Eight

Housing conditions for animals used in Vietnamese circuses

Elephant	Central Circus	Dam Sen
Chained by feet	x	x
Standing on concrete	x	x
No bedding material	x	x
No constant water	x	x

Macaque	Central Circus	Suoi Tien	Hong Loc
Chained to wire grids	x	x	x
Cages – 2mx2m - alone	x	x	x
No bedding material	x		
No constant water	x		

Asiatic Black Bear	Central Circus	Hong Loc
Concrete enclosure	x	
No bedding material	x	X
No constant water	x	X
Cage 3ft x 2ft		x

Dogs	Central Circus
Cages – 2mx2m	x
No bedding material	x
No constant water	x

Horses	Central Circus
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Standing on concrete	x
No bedding material	x
No constant water	x
Chained to wire grids	x
Cages – 2mx2m - alone	x

Orangutan	Dam Sen
Cages – 2mx3m	x
No bedding material	x
No constant water	x

Doves	Suoi Tien
Cages – 2mx2m	x
No perch	x
No constant water	x