



South East Asia

Zoo and Related Legislation

The region known as Southeast Asia includes the countries of Singapore, Brunei, Malaysia, Thailand, Indonesia, the Philippines, Myanmar, Laos, Cambodia, and Vietnam. The South East Asian Zoo Association (SEAZA) draws together the zoos of the region and facilitates interaction between them in such areas as communication, coordination, and training. In the late 1990s SEAZA worked to develop professional standards for Southeast Asian zoos, with the goal of providing the basis for a zoo accreditation system. Standards were being developed in the areas of animal collection, transport, and display; record keeping; maintenance; propagation; and conservation. Some countries in Southeast Asia already had specific zoo legislation of their own.

Brunei

Brunei has a Wildlife law published in 1984 which avoids the subject of live animals in captivity entirely. It can be found in Laws of Brunei, Chapter 102. The Wild life Protection Act of Brunei is an Act to make provision for the protection of wildlife and for the establishment of wild life sanctuaries Capture and killing for flesh, trade, etc. is prohibited and export is strictly regulated. There is a list of protected animals. There is nothing in this act which could apply to a zoo or mini zoo. There are two public zoos in Brunei and private royal collections.

Malaysia

The 1972 law regarding wildlife protection in peninsular Malaysia (Sabah and Sarawak states have separate legislation) is called the Protection of Wildlife Act. Under this act, wildlife is categorized as either totally protected or protected and listed under five schedules. Activities permitted under the act include keeping, trapping, breeding, import/export, and hunting. There is also provision for punishment of offenses. All species of wild fauna listed under the Convention on the International Trade of Endangered Species of Fauna and Flora (CITES), except turtles and fishes, are included under the act. Any interaction with such species is regulated by the act, whether for commercial, educational, or zoo purposes. A draft of zoo management guidelines was expected to become law early in the 21st century as a regulation under the Wildlife Protection Act.

The public zoological parks in peninsular Malaysia are Taiping Zoo (Perak), Zoo Negara Malaysia (Kuala Lumpur), and Zoo Melaka. They receive annual grants from the Ministry of Science, Technology, and the Environment. Other zoos are private and self-funding. For the time being these zoos are permitted to operate without paying a fee to the government, but fees are

charged for protected species and special permission to capture and keep wild animals must be obtained from the ministry. When the proposed zoo act, which will include the standards and guidelines mentioned above, is passed, all zoos will need a permit to operate, and fees will be charged. The zoo act will ensure that zoos in peninsular Malaysia will be managed in accordance with international standards for enclosure design, veterinary care, cleanliness, safety, and diet of animals

Singapore

Singapore has several laws that cover zoos. The Wild Animals and Birds Act, first gazetted in 1965 and revised in 1985, requires that zoos and other captive wild animal facilities be licensed to keep and display wild animals. Under this act, it is an offense to “kill, take, or keep” any wild animal or bird without a license, which is given only under special circumstances (such as for research or education by established organizations). Licensing of animals for sale and exhibition comes under subsidiary legislation of the Wild Animals and Birds Act, called the Animal and Bird Shop, Poultry Shop, and Hatchery (Licensing and Control) Rules. Only certain domesticated animals can be sold in pet shops, not wild or exotic animals.

Norms and standards, which include status and health information regarding animals and inspections, are the concern of the Primary Production Department, which must be kept informed on the number of animal births, deaths, and so forth every two weeks. If an animal facility does not adhere to regulations, this department has the authority to quarantine the facility and withdraw its license, actions that force the facility to close. Singapore has several animal viewing facilities that could be categorized as zoos, the major ones being the Singapore Zoological Gardens, Jurong Birdpark, Underwater World Singapore (Sentosa Island), and the Crocodile Farm.

The import/export of animals is also covered under the Wild Animals and Birds Act. The Endangered Species (Import and Export) Act of 1989 (ESA) is for implementation of CITES. ESA covers only listed exotic endangered animals. Under ESA, CITES permits are required to import and export endangered species to and from Singapore.

Thailand

Thailand passed legislation in 1992 requiring permission from the Thai Forest Department (under the Ministry of Agriculture and Cooperation) to set up a zoo. Registration is also required. Although there is a Zoo Organization of Thailand, the Forest Department has issued its own instructions for the formation of new zoos independent of the organization. Some new zoos and private zoos have registered with the government, but Zoos in the Zoo Organization of Thailand have not, as registration leads to excessive bureaucratic control.

Indonesia

In Indonesia a 1998 ministerial decree regulates wild flora and fauna as well as conservation institutes. According to this decree, a zoo must function mainly as an ex situ conservation institution for conservation breeding, nature protection and preservation, education, science and technology, and recreation. The decree also allows for the operation of special “fauna parks,” which can keep only one type or a few kinds of animals (for example, a bird park,

crocodile park, or butterfly park). The decree also includes criteria for zoos and parks, which cover maintenance of collections of protected fauna, breeding of endangered species, and education and recreation. The “rights” of zoos are also included in the decree: zoos with a permit may accept organisms, exhibit them within the institution, and cooperate with other institutions both nationally and internationally to develop science, technical assistance, and exchange of animals. According to the law, zoos can also conduct research and accept fees for services.

Indonesian zoos also have obligations under the decree: to create a management plan, to provide appropriate facilities, to maintain and breed the animals under their care, to hire expert help, to refrain from trading protected species, and to make reports on the fauna and flora under their care. Indonesia has many zoos and an active zoo association.

Cambodia

Cambodia does not yet have wildlife laws but there is a Draft which has been circulated that states the Wildlife Department is in charge of “Managing and organising reserved forests, wildlife habitats, national parks, hunting-free zones, zoos and increasing wildlife faunas, and Development of Wildlife Sector. There are many references to zoos in the Draft.

Philippines

In 1995 the Philippines wildlife authority, the Department of Environment and Natural Resources, Protected Areas and Wildlife Bureau saw through the passage of Guidelines on the Accreditation and Registration of Zoos and Wildlife Facilities of Private collectors/s including Wildlife Stocks. A visit to a few of Philippines captive wildlife facilities demonstrate that this legislation is not, actually, very effective. New legislation is said to have been passed last year. Philippines Wildlife Act, passed in March 2001 has been added.

Myanmar

Myanmar has only one zoo. Due to communication and language constraints we have not located zoo legislation for Myanmar.

Other countries in Southeast Asia, for the most part, have wildlife legislation but no specific zoo legislation. SEAZA and the countries that have passed legislation provide useful models and incentives for nations to pass new regulations, however, and zoo legislation is likely to increase in the region.

Note: Much of this information was taken from an essay written by this writer, entitled Asia, South : Legislation and Licensing(pp. 57-58), published in the Encyclopedia of the World's Zoos, edited by Catharine E. Bell, 3 vols., Chicago and London: Fitzroy Dearborn Publishers, 2001. That essay has been updated here. S.Walker



South East Asia

Legislation related to Zoos and Captive Wild Animals



Brunei

1984

Brunei, Wildlife Protection Act

Laws of Brunei, Revised Edition 1984, Chapter 102

Wild life Protection Act

An Act to make provision for the protection of wild life and for the establishment of wild life sanctuaries

Commencement: 1st August 1981

PART I **Preliminary**

1. This Act may be cited as the Wild Life Protection Act.
2. In this Act, unless the context otherwise requires - Interpretation

"Game Officer" means any officer appointed under section 3 to be Chief Game Warden, Deputy Chief Game Warden, a Game Warden or a Game Ranger;

"State Land" has the meaning assigned to it by the Land Code;

"hunt", "kill", "capture", mean hunting killing or capturing by any method, and includes attempts to kill or capture and the taking or disturbing of nests or eggs;

"protected animal" means any animal specified in the First Schedule;

"shoot" includes shooting at;

"trophy" means the head, horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, egg or any durable portion of any animal or the nest of any animal.

3. (1) His Majesty the Sultan and Yang Di-Pertuan may appoint a Chief Game Warden, a Deputy Chief Game Warden and such number of Game Wardens, Game Rangers and other officers as he may consider necessary for the carrying out of the provision of this Act.

(2) All such officers when appointed shall be subject to the direction of the Chief Game Warden.

Part II

Wild life Sanctuaries

4. (1) His Majesty in Council may from time to time by order published in the *Gazette* declare any area in Brunei specified in such declaration to be a Wild Life Sanctuary exclusively reserved for the preservation of animals or birds, and may define or alter the limits of any such area.

(2) Subject to the provisions of section 6, no person shall in a Wild Life Sanctuary -

(a) shoot, hunt, kill, capture or take any animal, bird, fish or reptile or take or disturb the nest or eggs of any bird;

(b) keep or carry any weapon or contrivance of any kind used for the taking, shooting, or killing of any animal, bird, fish or reptile;

(c) be in possession of the trophy or flesh of any mammal, bird, fish or reptile;

(d) cut or remove any vegetable;

(e) quarry stone, burn lime or charcoal, or search for, collect or remove any forest produce or minerals;

(f) erect any building, or clear or break up any land for cultivation or for any other purpose; or

(g) kindle, keep or carry any fire or leave any fire burning.

(3) Whoever does any act in contravention of paragraph (a) of subsection (2) shall be guilty of an offence: Penalty, imprisonment for one year and a fine of \$2,000.

(4) Whoever does any act in contravention of paragraph (b), (c), (d), (e), (f) or (g), of subsection (2) shall be guilty of an offence: Penalty, imprisonment for 6 months and a fine of \$1,000.

(5) Nothing in this section shall be deemed to prohibit or render punishable any act done with the permission in writing of the Chief Game Warden.

5. Any area declared to be a sanctuary under the provisions of section 4 shall be deemed to be land reserved for public purpose.

6. A Wild Life Sanctuary may include the whole or any part of a Forest Reserve or a Protected Forest, in which case nothing herein contained shall prohibit or restrict the management of the Forest or Protected Forest.

Part III

General Provisions for the Protection of Wildlife

7. No person shall hunt, kill or capture any protected animal otherwise than under and in accordance with the conditions of a license issued under this Act: Penalty, imprisonment for one year and a fine of \$2,000.

8. (1) No persons, other than the holder of an appropriate license issued under this Act shall sell or offer for sale or have in this possession any protected animal or any trophy or flesh thereof; unless the same has been lawfully acquired Penalty, imprisonment for 6 months and a fine of \$1,000.

(2) In any prosecution under this section, the onus of proving lawful acquisition shall be upon the person in possession of the protected animal or trophy or flesh thereof.

(3) The Director of Museums shall be exempted from the provisions of this section and of section 9 in respect of acts done by him in good faith for a scientific purpose.

9. No person shall export any animal specified in the First Schedule, except under and in accordance with the conditions of a license issued under this Act: Penalty, imprisonment for one year and a fine of \$2,000.

10. (1) Licenses to perform any act mentioned in sections 7, 8 and 9 shall be in the form in the Third Schedule and may be issued in his absolute discretion by the Chief Game Warden or any officer authorized in that behalf by him, and, subject to the direction of the Chief Game Warden, by the Deputy Chief Game Warden or a Game Warden, and shall be subject to such special conditions, if any, as the officer issuing the license may subject to any such direction, think fit to impose.

(2) Licenses shall not be valid for a period exceeding one year or such shorter period as the issuing officer may, in any particular case, determine and shall not be transferable.

(3) Subject to the provisions of section 11 fees at the rates specified in the Second Schedule shall be payable when such license is issued, and no fee shall be refunded if the act authorised by such license is not performed.

- (4) The holder of any license under this Act shall carry such license on his person when performing any act authorised by it, and shall produce it for inspection at the demand of any Game Officer.
 - (5) Any license issued under this Act shall be available only for the locality specified therein.
 - (6) The holder of any license issued under this Act shall, as soon as such license expire or is otherwise determined, return it to the Game Officer at the place where it was issued.
 - (7) When a license to hunt, kill, capture, sell or export or is otherwise determined, the license-holder shall, before returning it to the Game Officer, endorse upon it the number and kinds of animals killed, captured, sold or exported.
 - (8) Any person who contravenes the provisions of subsection (4), (6) or (7) or fails to comply with any special condition imposed under this section, shall be guilty of an offence: Penalty, imprisonment for 3 months and a fine of \$ 500.
11. Licenses authorising any act mentioned in section 7 may be issued only for a scientific purpose and no fee shall be charged therefor.
12. Nothing in this Act shall be deemed to affect the right of any person to act in defense of his person, or the person of others, or in the defense of the property of that person or others.
13. The Game Officer or any person authorised by him may—
- (a) hunt, kill or capture any animal which the Chief Game Warden has declared to be dangerous to life or property; and
 - (b) hunt, kill or capture any animal in order to prevent unnecessary suffering on the part of such animal.
14. (1) Any person finding the trophy of a protected animal shall as soon as may be deliver or give notice of the finding of such trophy or flesh to the nearest Game Officer and such trophy or flesh shall be disposed of in such manner as the Chief Warden may direct.
- (2) Any person who, upon finding the progeny of any protected animal, has reason to believe that this progeny should still be under the care of its mother but that such care is not being afforded, shall be as soon as may be either deliver the animal to the nearest Game Officer or furnish him with all such particulars as may be necessary to enable the Game Officer to effect capture, and the animal be disposed of in such manner as the Chief Game Warden may direct.
- (3) The contravention of any provisions of this section shall constitute an offence: Penalty, imprisonment for 3 months and a fine of \$500.

Part IV
Provision as to Procedure and Trials

14. (1) Any Game Officer or Police Officer may, without warrant, arrest any person reasonably suspected of having been concerned in an offence against this Act if such person refuses to give his name and address, or gives a name and address which such officer has reasonable grounds for believing to be false, or if such officer has reasonable grounds for believing that, unless such person is arrested, he may escape, or that an unreasonable amount of delay, trouble or expense in making him answerable to justice will ensue.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the officer in charge of the nearest police station, or to an officer empowered to compound the offence in accordance with section 17.

(3) Whenever a Game Officer or Police Officer has reasonable cause to suspect that an offence under this Act has been committed, he may enter upon any land or premises for the purposes of carrying out the provisions of this Act, or for the purpose of preventing or detecting offences against this Act, and may search any search any vessel, vehicle, building, enclosure or place under the control of the person suspected, his agents or servants.

16. (1) Any Game Officer not below the rank of Game Warden may, by notice in writing, require the attendance before him for purposes of investigation, at a time and place to be specified in the notice, of any person suspected of being concerned in offence under this Act.

(2) If any such person refuses to attend as so required the Game Officer may report the refusal to a magistrate who may thereupon if he thinks fit, issue a summons or warrant to secure the attendance of that person as required by that notice.

17. (1) Any Game Officer not below the rank of Game Warden may accept from any person who has committed an offence under this Act a sum of money, not exceeding \$100, in compensation for the offence committed;

Provided that no offence against the provisions of paragraph (a) of subsection (2) of section 4 or section 7 shall be so compounded without the approval of the Chief Game Warden.

(2) On the payment of such sum of money the person shall be discharged and no further proceedings shall be taken against him, and such property, if any, (other than any protected animal or trophy or flesh thereof) which has been confiscated as provided in this Part shall be disposed of in such manner as the officer concerned shall think fit.

(3) All sums of money received compensation under this section shall be credited to the general revenue of Brunei.

18. (1) When there is reason to believe that an offence under this Act has been committed, any animal or trophy or flesh thereof, together with all weapons, instruments and contrivances used in the commission of such offence, may be seized by any Game Officer or police officer.

- (2) Every officer seizing any property under this section shall place on such property, or on the receptacle, if any, in which it is contained, a mark indicating that it has been so seized, and shall, without unnecessary delay, make a report of such seizure to a magistrate having jurisdiction to try the offence in respect of which the seizure has been made:

Provided that, in any case where such property has been seized in connection with an offence compounded under section 17, it shall not be necessary to report to a magistrate the seizure thereof, and such property shall be disposed of in such manner as the officer concerned shall think fit.

19. Where there is reason to believe that an offence under this Act has been committed by a person who is unknown or cannot be found, all property seized under section 18 in respect of the offence shall be taken possession of by a Game Officer not below the rank of Game Warden who shall report the seizure to a magistrate, and the magistrate shall deal with the property as if it were the subject of a report to him under section 363 of the Criminal Procedure Code.
20. When the trial of any offence under this Act is concluded, any property that has been seized under the provisions of this Act shall be disposed of as the Court may order.
21. Prosecutions in respect of offences committed under this Act or any rule made hereunder may be conducted by a Game Officer or by any other person specially authorised in writing in that behalf by the Chief Game Warden.
22. The Court of a Magistrate shall have jurisdiction over all offences under this Act and, notwithstanding anything to the contrary which may be contained in the Criminal Procedure Code, shall have power to impose the full penalty.
23. (1). Except as hereinafter provided, no witness in any proceeding under this Act shall be obliged or permitted to disclose the name and address of any informer or the substance of the information received from him, or to state any matter which might lead to his discovery.
- (2) If any books, document or papers which are in evidence or liable to inspection in any proceeding under this Act contain any entry in which an informer is named or described, or which might lead to his discovery, the Court shall cause that entry to be concealed from view or be obliterated, but only to the extent that is necessary to protect the informer from discovery.
- (3) If, in a trial for any offence against this Act or any rule made hereunder, the Court after full inquiry, believes that the informer willfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true or, if the Court is of the opinion that justice cannot be done without the discovery of the informer, it shall be lawful for the court to require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer.

24. Where, in any proceedings under this Act, any fine is imposed, the court may award any sum or sums not exceeding one-half the total fine collected to any informer or informers:

Provided that no such sum may be awarded to any police officer or to any person appointed to assist in the administration of this Act.

Part V

Schedules and Rules

25. (1) His Majesty in Council may make rules generally for carrying out the provision of this Act, and, in particular, such rules may provide for:

- (a) a close season for any kind of wild life;
- (b) maturity standards for taking, hunting, killing or capturing any kind of wild life;
- (c) controlling the keeping of any kind of wild life in captivity;
- (d) controlling the import or export of wildlife;
- (e) the type of weapons, instruments and contrivances which may be used in taking, shooting or killing of wild life;
- (f) granting exemption from anything provided by such rules;
- (g) appeal against or review of the exercise of any discretion vested by the rules in any Game Officer; and
- (h) anything which requires to be provided for by the rule.

(2) His Majesty in Council may, by order signified in the Gazette, amend any of the Schedules.

First Schedule

(Sections 2, 7, 8 and 9)

List of Animals

Part A: Protected Animals

English Name	Scientific Name	Native Name
1. Long-nosed monkey	<i>Nasalis Larratus</i>	Bangkatan (Malay) Orang Belanda (Malay)
2. Orang Utan	<i>Pongo Pygmeaus</i>	Mayas(Malaya) Orang Utan (Malay)
3. Rhinoceros	<i>Rhinoceros Sumatrensis</i>	Badak Kerbau (Malay)
4. Earless Monitor Lizard	<i>Lanthaotus Bornecois</i>	Kukang(Malay)
5. Tarsier	<i>Tarsius Bancanus</i>	Tempelileh (Malay) Ingkat (Iban)
6. Clouded Leopard	<i>Neofelis Nebulosa</i>	Harimau dahan (Malay) Rimau dahan
7. Slow Loris	<i>Nycticebus Coucang</i>	Ukang (Malay) Rengkang (Iban)
8. Reef Egret	<i>Egretta Sacrs</i>	Ujoh Laut (Malay)
9. Cattle Egret	<i>Bubulcus Coromandus</i>	Kenawai (malay) Burong Apuh (Iban)
10. Storm's stork	<i>Ciconia Stormi</i>	Bangau (Malay)
11. Lesser Adjutant Stork	<i>Leptoptilos javanicus</i>	Burong Botak (Malay) Luhong
12. White-bellied Sea Eagle	<i>Haliacetes Leucogaster</i>	Helang Laut (Malay)
13. Grey-headed Fishing Eagle	<i>Ichthyophaga Ichthyaetus</i>	Helang (Malay)
14. Black-naped Tern	<i>Sterna Sumatrana</i>	Tara2 (Malay) Burong Laut Entala Puteh

15. Brown-Winged Tern *Sterna Anaetheta* Burong Laut Entala Hitam (Malay)
16. Pied Imperial Pigeon *DuculaBicolor* Peragam Burong (Malay) Rawal (Iban)
17. Storked Billed Kingfisher *Pelargopsis Capensis Graseri* Burong Raja Udang (Malay)
18. Ruddy Kingfisher *Halcyon Coromando* Minor Bekaka Burong Buaya (Malay)
19. Black Capped Kingfisher *Halcyon Pileata* Bekaka Burong Buaya (Malay)
20. Great Argus Pheasant *Argusianus Argus Grayi* Keruai (Malay)
21. Bulwer's Pheasant *Lophura Bulwari* Ayam Hutan (Malay)
22. Malaysian Peacock Pheasant *Polyplectron Malacense* Merak (Malay and Iban)
23. White-Crested Hornbill *Berenicornis Comatus* Sentuku (Iban)
24. Bushy-Crested Hornbill *Anorrhinus Galeritus* Kekalua (Iban)
25. Wrinkled Hornbill *Aceros leucoccephalus* Corrugatus Alau buloh (Malay) Kejakoh (Iban)
26. Wrethed Hornbill *Aceros Undulatus* Alau sangoh (Malay) Undan (Iban)
27. Black Hornbill *Anthraceroceros Malayanus* Alau babi (Malay) Likap Gagak/Rengak) (Iban)
28. Pied Hornbill *Anthraceroceros Coronatus* Alau Pedada (Malay) Bruic (Iban)
29. Rhinoceros Hornbill *Burceros Rhinocedros borneonsis* Lok lang/Sangang (Malay) Kenyalang (Iban)
30. Helmeted Hornbill *Rhinoplax Vigil* Lantudon (Malay) Tajai (Iban)
31. Dugong *Dugong Dugong* Doyung (Malay) Dujong (Iban)
32. Green (or Edible Turtle) *Chelonia mydas* Penyu Palus (Malay) Penyu emegit
33. Hawksbill Turtle *Eretmochelys imbricita* Penyu sisik (Malay)
34. Leatherback Turtle *Dermochelys coriacea* Penyu timbo (Malay)

Part B: Other Animals the Export of which is Forbidden expect under license

- (i) Apes and monkey
- (ii) Bears
- (iii) Deer

Second Schedule

(Section 10(3))

Fees

A. Fee for a license to export animals specified in the First Schedule.....\$50.00 per head.

B. Fee for a license under Section 9.....\$30.00 per month.

Third Schedule

(Section 10)

Form of License
(Not transferable)

Permission is hereby given to of (address) to hunt, kill or capture/possess/sell/export* the following animal, namely:

The kind the number..... Within the District of
..... subject to the provisions of the Wild Life Protection Act, and any rules made
thereunder, and to the following special conditions, namely:

.....

Date of Issue

Valid to (date)

Fee \$ (paid)

.....

Chief Game Warden/Game Warden

*Delete as appropriate

N.B.: Where the license is to kill, capture, sell or export, this license is to be returned to the Chief
Game Warden or Game Warden on expiration endorsed with the number of
..... killed, captured, sold or exported*.

Note: This license must be carried on the person of the license when he is engaged in performing
the acts authorised.



Malaysia

1972

The Protection of Wildlife Act, Act 76 of 1972

We don't have a copy of the Act, but below is an essay written with information from the current authority in Malaysia.

Legislation Regarding Zoos in Malaysia

The law regarding wildlife protection in Peninsular Malaysia is called The Protection of Wildlife Act, Act 76 of 1972. The Act is only applicable to Peninsular Malaysia. The states of Sabah and Sarawak has their own Wildlife Enactments. Wild animals and birds are given two categories of protection i.e totally protected or protected. They are listed under five Schedules to the Act. A number of activities are permitted to be carried out with the wild animals and birds through licences issued at various state Wildlife Departments. The activities include hunting, keeping, trapping, breeding and import/export. The Act also provides for penalties for offenees committed under the Act.

All wild fauna species listed under CITES, except turtles and fishes, are included under the Schedules of the Wildlife Protection Act 1972. Thus those species are accorded the same protection as our local species. Any business with the species concerned are bound under the regulation set forth under the Act, may it be for commercial, educational or zoo purposes.

A 'Garis Panduan Pengurusan Zoo Di Malaysia' literally translated meaning 'Zoo Management Guideline in Malaysia' is not finalised yet. The document is still with the legal adviser's office.

The zoo guideline will be a legislation.

It will be a regulation under the Wildlife Protection Act 1972.

There are zoological parks and mini zoos in Peninsular Malaysia. Three zoological parks namely Zoo Negara (National Zoo), Zoo Melaka and Taiping Zoo. Each receive annual grant from the Ministry of Science, Technology and the Environment besides their own sponsors and gate collection. The mini zoos are private zoos and self funding. There are too many to name.

For the time being these zoos are given permission to operate. No fees are involved. For keeping the wild animals, if it involves totally protected species, special permission has to be sought from the Minister of Science, Technology and the Environment. For other protected species, the operator need to take licences to keep the various species and pay the fees accordingly. However in the amendments to the Wildlife Act (which is still being studied by our

legal advisor), all zoos will need a permit to operate and fees charged accordingly. Keeping of totally protected species will also be charged under the new amendment.

As there is no permit to operate a zoo under the present Act, legal action can be taken against those keeping the wild species without licence only. For totally protected species the penalty is a fine of up to RM 15,000 (Sumatran rhino, tiger, clouded leopard) or RM 6,000 (other totally protected species) and jailed up to six years or both. For protected species, the fine is RM 3,000 or three years jail or both.

Request for permission to operate a zoo must be done in writing to Director General of the Department of Wildlife and National Parks. Details of the operation and the species to be exhibited must be included in the application.

Once the Zoo Management Guideline is adopted under the Wildlife Protection Act, management of zoos in Peninsular Malaysia will be more proper and in accordance to international standards in the aspects of cage design, veterinary care, cleanliness, safety and diet of animals exhibits.

Ms. Khairiah Mohd. Shariff
Law Enforcement Division for Director General
Department of Wildlife and National Parks
Peninsular Malaysia
Ibu Pejabat Jabatan Perlindungan
Hidupan Liar Dan Taman Negara (Perhilitan)
KM 10, Jalan Cheras
50664, Kuala Lumpur



Singapore

1965, 1985

The Wild Animals and Birds Act, 1965, 1985

The Wild Animals and Birds Act, 1965, 1985

Animal and Bird Shop, Poultry Shop, and Hatchery (Licensing and Control) Rules.

The Endangered Species (Import and Export) Act of 1989 (ESA)

Not in our collection as yet



Thailand

1992

Wild Animal Reservation and Protection Act, B.E. 2535 (AD 1992)

Wild Animal Legislation of Thailand
Wild Animal Reservation and Protection Act
B.E. 2535 (AD 1992)

Bhumibol Adulyadej Rex.
Given on the 19th Day of February B.E. 2535 (AD 1992)
Being the 47th Year of the Present Reign

by Royal command of his Majesty King Bhumibol Adulyadej it is hereby proclaimed that,

Whereas it is deemed necessary to improve the Wild Animals Reservation and Protection Act of B.E. 2503,

His Majesty the King, by and with/the advice and consent of the National Legislative Assembly in the capacity of the national Assembly, is graciously pleased to enact an Act as follows:

Section 4. In this Act:

"Wild animals" refers to all kinds of animals including land, water, and winged animals, and insects, which by nature are born and live in the forest or water. The term also refers to the eggs of those various wild animals, but not the draft animals which have been registered and issued identification cards in accordance with the law on draft animals as well as those born of the propagation of said draft animals.

"Reserved wild animals" refers to rare wild animals appearing on the list attached to this Act and those declared to be ones by the Ministerial Regulation.

"Breeding" refers to the act of propagating of the wild animals in captivity through natural mating as well as artificial mating and gametes transferring.

"Trading" refers to the act of buying, selling, exchanging, distributing, or changing of ownership for commercial purposes, including possessing or demonstrating for selling purpose.

"Zoological garden" refers to a public garden or park keeping a collection of wild animals for recreative exhibition, study and research, and for the multiplication of the wild animals.

Chapter 3

Hunting, Breeding, Possessing, and Trading of Wild Animals, Carcass and Products Thereof

Section 17. The Minister, with the consent of the Committee, is empowered to proclaim, through the issuance of Ministerial Notification, certain kinds of wild animals to be ones reserved for breeding purposes.

Section 18. No person shall undertake breeding activities of reserved or protected wild animals unless:

- (1) The breeding involves wild animals specified in Section 17 and is covered by the license issued by the Director-General, and
- (2) The breeding is a licensed activity of the entrepreneur who is permitted to undertake public zoological garden business in accordance with Section 29 and has received appropriate license for the purpose from the Director-General.

The application for and approval of breeding activity in Clause one and possession of wild animals for breeding purpose on the part of the licensed entrepreneur in (1) shall be pursued under the standard, procedures and conditions stated in the Ministerial Notification, and the licensed entrepreneur shall comply with the rules expressed in the Notification and observe the conditions specified in the license.

The license in (1) and (2) shall expire on the date the licensed entrepreneur notifies the Director-General of his intention to terminate his zoological garden enterprise in formal procedure outlined in the Ministerial Notification.

Section 19. No person shall be in possession of reserved wild animals, protected wild animals, or carcass of protected wild animals, except the protected wild animals in Section 17 category which were bred in captivity and carcass thereof, in which case the possessor is required to have a license from the Director-General and to observe the set by the Ministerial Notification and conditions prescribed in the license.

The application for and granting of license shall be pursued under the standard, procedures and conditions stated in the Ministerial Notification.

Paragraph one and paragraph two shall not apply to:

- (1) Possession of protected wild animals by holders of breeding license in Section 18(1) who keep the animals for breeding purpose of obtain the animals from breeding in captivity, and carcass of the animals in question, and

(2) Possession of reserved wild animals, protected wild animals, and carcass of protected wild animals for the interest of the licensed public zoological garden enterprise and management thereof according to Section 29, which are displayed in the licensed public zoological garden.

Section 20. No person shall engage in trading of reserved wild animals, protected wild animals, carcass of reserved and protected wild animals, and products thereof, except that of protected wild animals specified in Section 17 which were obtained from breeding in captivity, carcass and products thereof, except that of protected wild animals specified in Section 17 which were obtained from breeding in captivity, carcass and products thereof, in which case permission by the Director-General is a prerequisite.

The application for and granting of the permission shall be pursued under the standard, procedure and conditions stated in the Ministerial Notification.

Chapter 4

Importation, Exportation, Transitory Movement of Wild Animals, and Wild Animal Quarantine Station

Section 26. Provisions of Sections 16, 18, 19, 21 and 23 shall not apply to activities with the purpose to survey, study, research on, protect and breed wild animals, or for the interest of public zoological garden enterprise carried on by the government sector with written permission by the Director-General and under the rules and regulations set by the Minister with the consent of the Committee.

In case the activities in the earlier clause are performed for the breeding enterprise of the license holder in Section 18, or for the public zoological garden enterprise of the license holder in Section 29, the charge on and payment for expenditures, services, compensation and cost of wild animals shall be pursued in accordance with the procedures set by the Minister with the consent of the committee.

Chapter 5

Public Zoological Garden

Section 29. Organizers intending to operate public zoological garden shall seek license for operating the enterprise from the Director-General.

The license in the earlier clause shall expire on the date the licensed entrepreneur notifies the Director-General of his intention to terminate his zoological garden enterprise in accordance with Section 32.

The application for and granting of the permission shall be pursued under the standard, procedure and conditions stated in the Ministerial Notification.

Section 30. The first task for the entrepreneur to perform after receiving the license to operate a public zoological garden is to present report to the officer on the kind and quantity of reserved wild animals, protected wild animals and carcass of these animals he has in possession

or on display in his public zoological garden. It shall be his duty hereafter to update the figures whenever the change in kind and quantity occurs.

The reports in the two preceding clauses shall be made in the manner and timing stated in the Ministerial Notification.

Section 31. In case it is found that the site of the public zoological garden or the area where the animals are kept has an entirely different standard and condition from the specification of the Ministerial notification which was proclaimed by virtue of Section 29, or has been made unsafe for the people who visit the zoological garden, or has become an uncomfortable living place for the wild animals, the Director-General shall instruct the public zoological garden license holder in writing to rectify the conditions and eliminate the defects.

In case the license holder does not comply with the instruction within the specified time given in writing, the officer is empowered to undertake the amelioration work and charge all the expenses incurred to the license holder.

Section 32. In case the license holder has operated the public zoological garden enterprise according to Section 29 for some time and wants to terminate the business, he shall notify the Director-General of his intention in writing, and shall either sell his reserved and protected wild animals and their carcass in his possession to the other license holders in accordance with Section 29 or to dispose of his protected wild animals defined by Section 17 and the carcass thereof to holders of the license for wild animals breeding in accordance with Section 18(1) within 180 days from the date he notifies the Director-General of his intention to cease the establishment.

At the end of the 180-day period mentioned in the first clause all the unsold reserved wild animals, protected wild animals and carcass thereof shall become state property, and the leaving license holder shall turn all these over to the Royal Forest Department or the Department of Fisheries as the case may be so that will be handled in accordance with rules and regulations set up by the Director-General with the consent of the committee.

Chapter 6

Area and Place under Prohibition of Wild Animal Hunting

Section 38. In the Wild Animal Reserved Area, no person shall possess or hold land, cut, fell, clear, burn or destroy trees or other vegetation, mine, raise animals, abandon animals, change the water course, dry, overflow or pollute water in the waterway, stream and marsh to the detriment of wild animals therein.

In case it is necessary to act in the interest of protection and maintenance of wild animal reserved area for breeding, study, research, educational services, facilitation, safety and information purposes, the Director-General is empowered to issue written instruction to officials of The Royal Forest Department Development or Fisheries whichever he thinks appropriate to do so in accordance with the rules and regulations he laid down with the consent of the Committee.

Chapter 8

Penalty

Section 47. Violators of Section **19**, Section **20** Clause **1**, or Section 23 Clause 1 shall be punished with imprisonment not exceeding four years or fined not exceeding forty thousand baht, or both.

Section 48. Violators of Section **18** and Section 23 Clause 2, and persons neglecting to observe Section **29** shall be punished with imprisonment not exceeding three years or fined not exceeding thirty thousand baht, or both.

Section 49. Person found to be in possession of protected wild animals bred in captivity or carcass thereof without license according to Section **19** shall be punished with imprisonment not exceeding one year or fined not exceeding ten thousand baht, or both.

Section 50. Traders who deal in protected wild animals or carcass thereof without license according to Section **20** Shall be punished with imprisonment not exceeding two years and fined not exceeding twenty thousand baht, or both.

Section 54. Violators of Section **38** or Section 42 Clause 2 shall be punished with imprisonment not exceeding seven years or fined not exceeding one hundred thousand baht, or both.

In case the punished violator of Section **38** is found to possess, hold, make use of or live in the Wild Animal Protected Area where the crime was committed, the Court is empowered to order the violator, his employees, labourers, agent and followers to leave the area.

The handling of plants and plant parts which were felled and cleared by the violator of Section **38** Clause **1** shall be done according to the rules and regulations laid down by the Director-General with the consent of the Committee, but these rules and regulations shall in no way allow the passing on of the plants and plant parts to entities other than government units.

Section 57. All the weapons, equipment, materials, draft animals, vehicles or any machinery which were obtained from or used on the violations of Sections 16, 36, **38**, 41 to 42 Clause 2 shall be confiscated regardless of the outcome of the court verdict.

Transitory Provision

Section 61. Pursuant to the proclamation of the Ministerial Notification in accordance with Section 6 Clause 1 providing measures for overseeing the additional kinds of protected wild animals and their carcass which were held by certain individuals before the data of the Notification, the following directives are announced:

1. Person in possession of the additional kinds of protected wild animals shall report to the officer the kind and amount of protected wild animals they hold within ninety days from the date of the Ministerial Notification. After checking by the officer, if the owner or holder of the animals does not want to keep them any further, he shall sell them to the holder of license for public zoological garden organizer and operator according to section **29**, or he shall sell the animals referred to in Section **17** to the holder of license for breeding in captivity in accordance with Section **18** within one hundred and twenty days after the date of reporting to the officer. After the specified period has lapsed, the unsold animals remaining in the area shall become state property and the owner shall turn them over to the Royal Forest Department or the Department of Fisheries, whichever is more appropriate, in accordance with the rules and regulations laid down by the Director-General with the consent of the Committee. In case the protected wild animals are of the kind specified in Section **17**, the owner or holder who want to breed them shall apply for the license in accordance with Section **18** within thirty days after his report to the officer where upon he may take possession of the animals. If the owner or holder of the protected wild animals wants to keep the animals, the officer shall check if his animal tending condition is safe enough to entitle him to continue to keep the animals, in which case a temporary license covering the length of life of the animals concerned will be issued and the license holder shall comply with animal raising instruction therein laid down by the Minister with the consent of the committee. Whenever there is change in the number of the protected wild animals, the license holder shall notify the officer in charge.
2. As for the carcass of the protected wild animals, the owner or holder shall report the kind and amount of said carcass in his start of the Ministerial Notification. After the officer has recorded the figures, the owner or holder is allowed to possess the carcass. In case the carcass is that of the protected wild animal kept for commercial purpose, after record has been taken by the officer the owner or holder can sell or dispose of the whole product within the period of three years. The report and report format and the license for temporary possession of protected wild animals shall be in accordance with the stipulation of the Ministerial Notification.

Section 68. Whoever illegally holds in possession of reserved or protected wild animals on or before the date this Act becomes operative shall be waived the punishment of the crime if he surrenders said wild animals to the officer within ninety days from the date this Act becomes operative. The animals in question shall become State property. After recording the kind and number of animals, the Director-General may allow the animals to stay on with their keeper if he sees fit which is based largely on the welfare and the safety of the animals themselves.

Whoever illegally holds in possession of reserved or protected wild animals on or before the date this Act becomes operative shall report the kind and amount of said carcass in his possession to the officer in charge within ninety days from the date this Act becomes operative. After the officer has recorded the figures, the owner or holder is allowed to possess the carcass, but he shall not sell, distribute or hand it over to any other person except through the process of inheritance.

Section 67: Whoever legally holds in possession of reserve or protected wild animals or the carcass thereof on or before the date this Act becomes operative shall report to the officer in charge the kind and amount of reserved and protected wild animals and the kind and amount of their respective carcass within ninety days from the date this Act becomes operative. After the officer has recorded the figures, the following procedures shall be adopted:

- (1) For reserved wild animals, the owner or holder shall sell the animals in question to organizers and operators of public zoological garden who have applied for license to operate the enterprise in accordance with Section 69 within one hundred and eighty days within the submission of the report. After the specified period has lapsed, the unsolved reserved wild animals shall become state property and the owner shall turn them over to the Royal Forest Department or the Department of Fisheries, whichever is more appropriate, for further deliberation in accordance with the rules and regulations laid down by the Director-General with the consent of the Committee.
- (2) For protected wild animals or carcass thereof, provision of Section 61 shall be applied *mutatis mutandis*.

Section 68: Entrepreneurs of propagation enterprises, trading of protected wild animals bred in captivity and of their carcass and products thereof which exist on or before the date this Act becomes operative, shall apply for respective license issued in accordance with this Act within thirty days from the date the Act is promulgated. After the license has been applied for, the entrepreneur may proceed with his enterprise until he receives and instruction to cease the business from the Director-General.

In case the Director-General does not approve the license application, provision of section 43 Clause 2 shall be applied *mutatis mutandis*.

Section 69: Whoever organizes and operates public zoological garden on or before this Act becomes operative shall apply for license in accordance with the Act within thirty days. After the application has been approved and the officer has checked and found the establishment to be upto the standard prescribed in Section 30 Clause 2 and 3 and Section 31 and after the officer has recorded the figures on kind and amount of reserved wild animals and carcass thereof, the Director-General shall issue license allowing the entrepreneur to organize and operate said public zoological garden.

Section 70: Whatever appending applications submitted on or before the date this Act becomes operative shall be considered as revoked unless they are applications for conduct for activities which are permissible in accordance with this Act. In such cases, the Director-General shall consider them on a case to case basis.

- | | | |
|---|------|------|
| 1. License for propagation | 1000 | baht |
| 2. License for possession of protected wild animals bred in captivity or carcass thereof. | 500 | baht |
| 3. License for trade in protected wild animals bred in captivity | 1000 | baht |
| 4. License for trade in carcass of protected wild animals bred in captivity or products thereof | 1000 | baht |

5. License for import or export of protected wild bred in captivity or carcass thereof.	500	baht
6. License for import or export of wild animals or carcass thereof	500	baht
7. License for transitory movement of reserved wild animals, protected wild animals, and carcass of protected wild animals	1000	baht
8. License for transitory movement of protected wild animals and carcass thereof for commercial purposes.	100	baht
9. Certificate for import, export or transitory movement of wild animals or carcass thereof	500	baht
10. License for organizing and operating public zoological garden	10,000	baht
11. Substitute paper for license or certificate	100	baht
12. Fee for extension of license, for each license	500	baht

List of reserved wild animals:

1. *Pseudoche sirintarae*
2. *Rhinoceros sondaicus*
3. *Didermocerus sumatrensis*
4. *Bos sauveli*
5. *Bubalus bubalus*
6. *Cervus eldi*
7. *Cervus schomburgki*
8. *Capricornis sumatraensis*
9. *Naemorhedus greisus*
10. *Pitta gurneyi*
11. *Grus antigone*
12. *Pardofelis marmorata*
13. *Tapirus indicus*
14. *Muntiacus feai*
15. *Dugong dugong*



Indonesia

1998

Ministerial Decree No 479/Kpts-II/1998

There are several regulations but they are all in Indonesian and the nearest topic mentioned is about quarantine requirements. The following are some notes contributed by Suzanne Gendron who worked in Underwater World there for several years.

Ministrial Decree No 479/Kpts-II/1998 about wild flora and fauna conservation institutes/bodies stated that:

- zoo is a place that has main function as *ex-situ* conservation body which carries out the caring and farming/breeding/ all faunas in order to create and develop new habitats; as a mean for nature protection and preservation; and can be used for a media for education, science and technology development and healthy recreation` -special fauna park is an institute which collect special fauna, one or few families; for e.g bird park, crocodile park, butterfly park. etc.

Criteria for a zoo (and parks)

- maintain collections of fauna protected or not by laws and/or CITES for the purpose of conservation
- do the breeding effort for endangered species
- used for a media for education, science and technology development and healthy recreation

Rights:

- accept fauna or flora equipped with permit document (?)
- exhibit them to public within the area of the institutions
- cooperate with other conserv. bodies in and out of the country (develop science, exchange collection, technical assistance)
- do research
- accept 'reward' (fee?) for the services given
- use the organism from the breeding program according to regulations

Obligations:

- make management plan
- provide facilities
- maintain and breed
- hire experts
- forbid to trade protected species
- make reports including mutation of the flora and fauna

More information probably can be asked to ICEL (Indonesian Centre for Environmental Law).



Cambodia

n.d.

Draft Law on Wildlife Legislation

Cambodia Draft Law on Wildlife Legislation

Chapter II

Institution managing wildlife sector

Article 9: Management of wildlife sector is the responsibility of the Ministry of Agriculture, Forestry and Fisheries with singular control system throughout the country.

Article 10: Department of forestry is responsible for

- 1) Managing all terrestrial wildlife faunas,
- 2) Managing and organising reserved forests, wildlife habitats, national parks, hunting-free zones, zoos and increasing wildlife faunas, and
- 3) Scientific and technological studies and researches, and international cooperation in wildlife field and
- 4) Observing and treating illegal acts of hunting, exploitation, transportation, granting, export, and import of all kinds of wildlife

Chapter IV

Development of Wildlife Sector

Article 15: - Other public institutions, provinces, municipalities and/or private agencies desiring to establish and operate a zoo must obtain the decision on the declaration of the Ministry of Agriculture, Forestry and Fisheries.
- The activities of the above mentioned zoo are arrested by the declaration of the Ministry of Agriculture, Forestry and Fisheries.

Article 16: - Zoo that has already held declaration can be operated after obtaining letter of examination from the Department of Forestry on Wildlife location, type, quantity and residual.
- In case of changes in data on wildlife the owner has to report to authorised agent immediately.

- Article 17: - Authorised agent has to issue orders to urgently change rearing location or zoo found to be different from allowed standard.
- In case the owner does not follow the orders the authorised agent has to ransack or dismantle the place and the owner has to cover all expenses.
- Article 18: - In case the owner of the zoo or rearing site wanting to give up his operation, he must obtain permission of authorised institution in advance.
- Sale and/or transfer of wildlife which is to be protected for their residuals are not allowed before the decision of the authorised institution.
- Duration allowable for sale, barter or transfer is only 180 days from the date called for dis-operation.
- Article 19: - Breeding of all kinds of protected wildlife must have permit of authorised institution.

Chapter XII:

Prohibition

- Article 51: - Fraud of data on wildlife in the zoo to forestry authority is prohibited.
- Sale or transfer of zoological products without permit is banned
- Multiplying and breeding wildlife without permit are prohibited
- Cross-breeding amongst wildlife of protected species is prohibited except for scientific study and research done by forestry authority.
- Article 53: - Collection of eggs, baby wildlife tended by mother animals (female animals) and destruction of nests are not allowed.

Chapter XV:

Penalty

- Article 89: Any person who forges data on wildlife in the zoological centre is fined 10 times the market value of forensic wildlife which is deceived. In case of repititive act penalty is doubled.
- Article 90: Penalty is imposed on normal breeding or extraordinary breeding to change wildlife species characteristics without permit by fining 5 times of market value of the wildlife and confiscating forensic materials.
- Article 91: Sale or shift of products of zoological centre without permit are fined 5 times the market value of forensic materials.
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Philippines

1995

Guidelines on the Accreditation and Registration of Zoos and Wildlife Facilities of Private collectors/s including Wildlife Stocks thereat.

June 30, 1995

DENR ADMINISTRATIVE ORDER)

No. 95 - 22 : SUBJECT:

Guidelines on the Accreditation and Registration of Zoos and Wildlife Facilities of Private collectors/s including Wildlife Stocks thereat.

Pursuant to Section 5 (b) of Executive Order 192, Section 7 of Act 2590, as amended, P.D. 705 as amended, and in pursuance of the objectives of conserving our wildlife resources, particularly those considered as endemic and threatened, and in order to set forth the processes for the accreditation and registration of zoos and wildlife facilities, including wildfauna maintained thereat, the following are hereby promulgated for the information and guidance of all concerned:

SECTION 1. Basic Policy and Objectives.

In consonance with the policy of the State and conserve, manage and protect its wildlife resources and encourage the sustainable use of these resources for the benefit of the present and future generations, zoos and wildlife facilities of private collector/s are required to have their establishments, including wildfauna maintained thereat accredited and registered with the Department of Environment and Natural Resources (DENR).

SECTION 2. Definition of Terms.

When used in this Order, the following terms shall be construed to mean as follows:

2.1 Accreditation - refers to the act of giving individuals or zoos official authorization to maintain wildfauna for recreational, educational, research and/or scientific purposes with the ultimate objective of breeding the wildlife in their possession for conservation and economic/commercial purposes;

2.2 Registration - refers to the act of entering in the DENR's official record the names and addresses of individuals or zoos engaged in the maintenance of wildfauna for recreational,

educational, research and/or scientific purposes, including the species and number/species of wildfauna in their possession;

2.3 Private collector/s - any individual/s engaged in the acquisition of wildfauna either for recreational purpose or as a hobby and has in his possession one or more head of live wildfauna;

2.4 Zoo - an establishment where a collection of wildfauna is maintained for recreational, educational, research, conservation/preservation and scientific purposes and to which the public has access throughout the year.

2.5 Wildfauna - refers to wild forms and varieties of species or subspecies of animals, including captive or propagated individuals, that normally/originally grow in the wild and which maintain a genotype;

2.6 Acquisition - refers to the act of acquiring wildfauna.

2.7 Donation - refers to the act of liberality whereby a party disposes an animal/s in favor of another party who accepts it free of charge.

2.8 Exchange - refers to the act whereby a party is bound to give an animal/s in consideration of the other party's promise to give another animal/s.

2.9 CITES - is the acronym for the Convention on International Trade in Endangered Species of Wild Flora and Fauna;

2.10 CITES Appendix I - list of species threatened with extinction and for which trade must be subject to particularly strict regulation and only authorized in exceptional circumstances;

2.11 CITES Appendix II - list of species that are not necessarily now threatened with extinction but may become so unless trade is strictly regulated;

2.12 F1 progenies - refers to the progenies produced by the founder/parent stocks.

2.13 F2 progenies - refers to all progenies produced by F1 generation.

2.14 Threatened species - is a general term to denote species which is endangered, vulnerable, rare, indeterminate or insufficiently known.

2.15 Captive-bred - refers to offspring bred or otherwise produced in a human-controlled environment for conservation purposes.

SECTION 3. Public Notification.

Within sixty (60) days from the effectivity of this Order, a notice on the accreditation and registration of zoos and wildlife facilities of private collectors, including wildfauna maintained thereat shall be posted at the Protected Areas and Wildlife Bureau, DENR Regional Offices, PENR Offices and CENR Offices and published in 3 local newspapers of general circulation.

SECTION 4. Requirement for Accreditation and Registration.

- 4.1 Duly accomplished and notarized application form (Annex "A");
- 4.2 Documentary stamp (to be affixed on the Certificate of Accreditation);
- 4.3 Inventory list of wildfauna stock (Form attached as Annex "B");
- 4.4 Registration and Accreditation fee in the amount of P1,000.00.

SECTION 5. Procedure.

- 5.1 Application for accreditation and registration shall be filed with the nearest DENR Regional Offices within ninety (90) days of the Order coming into force;
- 5.2 Upon receipt of the application and all other requirements, the concerned DENR Office shall immediately conduct an inspection/inventory of the wildfauna for validation purposes;
- 5.3 Thereafter, the DENR Office concerned shall process the accreditation and registration papers/documents for endorsement to the Director, Protected Areas and Wildlife Bureau (PAWB);
- 5.4 The Director, Protected Areas and Wildlife Bureau (PAWB) shall thereafter issue the Certificate of Accreditation and Registration of the zoo and private collector/s.

SECTION 6. Incentives/Privileges of duly Accredited and Registered zoos, private collectors.

Registered and accredited zoos, private collectors shall have the following incentives/privileges:

- 6.1 Utilize the registered wildfauna as an income generating resource through recreational and educational activities;
- 6.2 Engage in the captive breeding of registered wildfauna own 50% of the progenies and utilize same for commercial purpose, subject to the following:
 - 6.2.1 Only progenies of those included in the list of allowable species for commercial utilization shall be sold/traded/used for commercial purposes. The list which will be provided by the DENR shall be periodically updated based on the recommendations of the Philippine Scientific and Management Authorities, wildlife experts/scientists from the academe/universities, etc.
 - 6.2.2 A Wildlife Breeding Farm Permit must be secured from the Protected Areas and Wildlife Bureau in accordance with DAO No. 96, Series of 1988;
 - 6.2.3 Facilities for captive breeding of species and subspecies under CITES Appendix I must also be registered with the CITES Secretariat; Further, all progenies produced shall either be tagged, marked, tattooed following the procedures prescribed by PAWB;

6.2.4 Only F2 progenies of CITES Appendix I species may be traded, subject to existing rules and regulations on commercial trade of CITES species;

6.2.5 F1 progenies of CITES Appendix II and non-CITES species may be traded without CITES accreditation of facilities;

6.2.6 For all species, covered by Section 6.2.1, only fifty percent (50%) of the progenies shall be commercialized. The other 50% shall be owned by the government and may be retrieved by the DENR anytime when deemed necessary;

6.2.7 Exportation of progenies shall be subject to issuance of necessary export documents by PAWB.

6.3 Engage in the exchange and/or donation of owned progenies to other accredited zoos, and private collectors or other facilities authorized by the DENR provided that said progenies are duly accredited and registered with the DENR;

6.4 Avail of free technical assistance from the DENR, its Office and employees on matters pertaining to management and propagation of wildlife under custody.

SECTION 7. Issuance and Duration of Certificate of Accreditation and Registration.

Certificate of Accreditation and Registration shall be issued by the PAWB Director to applicant who has satisfactorily met the requirements for accreditation and registration. Zoos and wildlife facilities established and wild fauna acquired prior to the effectivity of this Order, shall be automatically accredited and registered, subject to DENR rules and regulations.

The Certificate of Accreditation and Registration shall be valid for a period of one (1) year from the date specified therein and may be renewed for the same period.

SECTION 8. Limitation

8.1 The Certificate of Accreditation and Registration does not confer the holder the privilege to collect wildfauna from the wild;

8.2 Acquisition of additional species/individuals listed under CITES Appendix I is not allowed.

SECTION 9. Requirements for renewal of Certificate of Accreditation and Registration.

9.1 Duly accomplished and notarized application form;

9.2 Annual report;

9.3 Photocopy of the Certificate of Accreditation and Registration.

Application to renew the Certificate of Accreditation and Registration shall be filed with the concerned DENR Regional Office or PENR Office, not later than two (2) months before the expiration of existing certificate.

The original copy of the Certificate of Accreditation and Registration previously issued shall be surrendered to the DENR Office concerned upon expiration.

SECTION 10. Visitorial Powers.

DENR personnel authorized to conduct monitoring/inspection or researches/studies shall be allowed free entry into premises of the zoos and/or areas/compound of the wildlife facilities of the private collector/s.

SECTION 11. Revocation/Cancellation of Certificate of Accreditation and Registration.

Deliberate disregard of the provisions of this Order shall result to the automatic cancellation of the Certificate of Accreditation and Registration and shall cause confiscation of all existing animals in favor of the DENR without prejudice to the application of other measures as provided for by existing laws, rules, and regulations.

SECTION 12. Separability Clause.

The provisions of this Order are hereby declared to be separable, and in the event that one or more provisions are held unconstitutional, the validity of other provisions shall not be affected thereby.

SECTION 13. Repealing Clause.

All Orders, Memoranda, Circulars and other policies inconsistent herewith are hereby repealed and/or amended accordingly.

SECTION 14. Penalties.

Violation of any of the provisions of this Order shall be penalized by the full force of the law pursuant to Act 2590, as amended, or P.D. 705, as amended.

SECTION 15. Effectivity.

This Order takes effect immediately from the date of signing hereof.

(SGD.) ANGEL C. ALCALA
Secretary



2001

Republic Act No. 9147

**Republic of the Philippines
Congress of the Philippines
Metro Manila**

Eleventh Congress

Fifth Special Session

Begun and held in Metro Manila, on Monday, the nineteenth day of March, two thousand one.

(Republic Act No. 9147)

An Act providing for the conservation and protection of Wildlife Resources and their habitats appropriating funds therefore and for other purposes.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled.

Chapter I

General Provisions

Section 1. **Title.** – This Act shall be known as the “Wildlife Resources Conservation and Protection Act”.

Sec.2. **Declaration of Policy:** - It shall be the policy of the State to conserve the country’s wildlife resources and their habitats for sustainability. In the pursuit of this policy, this Act shall have the following objectives.

- (a) to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity.
- (b) To regulate the collection and trade of wildlife.
- (c) To pursue, with due regard to the national interest, the Philippines commitment to international conventions, protection of wildlife and their habitats; and
- (d) To initiate or support scientific studies on the conservation of biological diversity.

Sec.3. **Scope of Application.**- The provisions of this Act shall be enforceable for all wildlife species found in all areas of the country, including protected areas under Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act, and critical habitats. This Act shall also apply to exotic species which are subject to trade, are cultured, maintained and/or bred in captivity or propagated in the country.

Sec. 4. **Jurisdiction of the Department of Environment and Natural Resources and the Department of Agriculture** – The Department of Environment and Natural Resources (DENR) shall have jurisdiction over all terrestrial plant and animal species, all turtles and tortoises and wetland species, including but not limited to crocodiles, waterbirds and all amphibians and dugong. The Department of Agriculture (DA) shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources, including but not limited to all fishes, aquatic plants, invertebrates and all marine mammals, except dugong. The secretaries of the DENR and the DA shall review, and by joint administrative order, revise and regularly update the list of species under their respective jurisdiction. In the Province of Palawan jurisdiction herein inferred is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

Chapter II

Definition of Terms

Sec. 5. **Definition of Terms.** – As used in this Act, the terms:

- (a) **“Bioprospecting”** means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived there from solely for commercial purposes;
- (b) **“By-product of derivatives”** means any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens.
- (c) **“Captive-breeding/culture or propagation”** means the process of producing individuals under controlled conditions or with human interventions.
- (d) **“Collection or collecting”** means the act of gathering or harvesting wildlife, its by-products or derivatives.
- (e) **“Conservation”** means preservation and sustainable utilization of wildlife and/or maintenance, restoration and enhancement of the habitat;
- (f) **“Critically endangered species”** refers to a species or subspecies that is facing extremely high risk of extinction in the wild in the immediate future.
- (g) **“Economically important species”** means species which have actual or potential value in trade or utilization for commercial purpose;
- (h) **“Endangered species”** refers to species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating;
- (i) **“Endemic species”** means species or subspecies which is naturally occurring and found only within specific areas in the country;
- (j) **“Exotic species”** means species or subspecies which do not naturally occur in the country;
- (k) **“Export permit”** refers to a permit authorizing an individual to bring out wildlife from the Philippines to any other country;

- (l) “**Gratuitous permit**” means permit issued to any individual or entity engaged in noncommercial scientific or educational undertaking to collect wildlife;
- (m) “**Habitat**” means place or environment where a species or subspecies naturally occur or has naturally establishment its population.
- (n) “**Import permit**” refers to a permit authorizing an individual to bring in wildlife from another country;
- (o) “**Indigenous wildlife**” means species or subspecies of wildlife naturally occurring or has naturally established population in the country;
- (p) “**Introduction**” means bringing species into the wild that is outside its natural habitat;
- (q) “**Reexport permit**” refers to a permit authorizing an individual to bring out of the country a previously imported wildlife;
- (r) “**Secretary**” means either or both the Secretary of the Department of Environment and Natural Resources and the Secretary of the Department of Agriculture.
- (s) “**Threatened species**” a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction;
- (t) “**Trade**” means the act of engaging in the exchange, exportation or importation, purchase or sale of wildlife, their derivatives or by-products, locally or internationally.
- (u) “**Traditional use**” means utilization of wildlife by indigenous people in accordance with written or unwritten rules, usage, customs and practices traditionally observed, accepted and recognized by them;
- (v) “**Transport permit**” means a permit issued authorizing an individual to bring wildlife from one place to another within the territorial jurisdiction of the Philippines;
- (w) “**Vulnerable species**” refers to species or subspecies that is not critically endangered nor endangered but is under threat from adverse factors throughout their range and is likely to move to the endangered category in the near future;
- (x) “**Wildlife**” means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated;
- (y) “**Wildlife collector’s permit**” means a permit to take or collect from the wild certain species and quantities of wildlife for commercial purpose; and
- (z) “**Wildlife farm/culture permit**” means a permit to develop, operate and maintain a wildlife breeding farm for conservation, trade and/or scientific purposes.

Chapter III

Conservation and Protection of Wildlife Resources

Article One

General Provision

Sec 6. *Wildlife Information.* – All activities, as subsequently manifested under this Chapter, shall be authorized by the Secretary upon proper evaluation of best available information or scientific data showing that the activity is, or for a purpose, not detrimental to the survival of the species or subspecies involved and/or their habitat. For this purpose, the Secretary shall regularly update wildlife information through research.

Sec 7. *Collection of Wildlife* – Collection of wildlife may be allowed in accordance with Section 6 of this Act: Provided, that in the collection of wildlife, appropriate and acceptable wildlife collection techniques with least or no detrimental effects to the existing wildlife populations and their habitats shall, likewise, be required: Provided, further, that collection of wildlife by indigenous people may be allowed for traditional use and not primarily for trade: Provided, furthermore, that collection and utilization for said purpose shall not cover threatened species: Provided, finally, that Section 23 of this Act shall govern the collection of threatened species.

Sec 8. *Possession of Wildlife*.- No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife: Provided, that the source was not obtained in violation of this Act.

Sec 9. *Collection and/or Possession of BY-Products and Derivatives*. – By-products and derivatives may be collected and/or possessed: Provided, That the source was not obtained in violation of this Act.

Sec 10. *Local Transport of Wildlife, By-Products and Derivatives*. – Local Transport of wildlife, by-products and derivatives collected or possessed through any other means shall be authorized unless the same is prejudicial to the wildlife and public health.

Sec. 11 *Exportation and/or Importation of Wildlife*. – Wildlife species may be exported to or imported from another country as may be authorized by the Secretary or the designated representative, subject to strict compliance with the provisions of this Act and rules and regulations promulgated pursuant there to: Provided, That the recipient of the wildlife is technically and financially capable to maintain it.

Sec. 12 *Introduction, Reintroduction or Restocking of Endemic or Indigenous Wildlife*.-The introduction, reintroduction or restocking of endemic and indigenous wildlife shall be allowed only for population enhancement or recovery purposes subject to prior clearance from the Secretary or the authorized representative pursuant to Section 6 of this Act.

Any proposed introduction shall be subject to a scientific study which shall focus on the bioecology. The proponent shall also conduct public consultations with concerned individuals or entities.

Sec. 13. *Introduction of Exotic Wildlife*. – No exotic species shall be introduced into the country, unless a clearance from the Secretary or the authorized representative is first obtained. In no case shall exotic species be introduced into protected areas covered by Republic Act No.7586 and to critical habitats under Section 25 hereof.

In cases where introduction is allowed, it shall be subject to environmental impact study which shall focus on the bioecology, socioeconomic and related aspects of the area where the species will be introduced. The proponent shall also be required to secure the prior informed consent from the local stakeholders.

Sec. 14. **Bioprospecting.** – Bioprospecting shall be allowed upon execution of an undertaking by any proponent, stipulating therein its compliance with and commitment(s) to reasonable terms and conditions that may be imposed by the Secretary which are necessary to protect biological diversity.

The Secretary or the authorized representative, in consultation with the concerned agencies, before granting the necessary permit, shall require that prior informed consent be obtained by the applicant from the concerned indigenous cultural communities, local communities, management board under Republic Act No.7586 or private individual or entity. The applicant shall disclose fully the intent and scope of the bioprospecting activity in a language and process understandable to the community. The prior informed consent from the indigenous peoples shall be obtained in accordance with existing laws. The action on the bioprospecting proposal by concerned bodies shall be made within a reasonable period.

Upon submission of the complete requirements, the Secretary shall act on the research proposal within a reasonable period.

If the applicant is a foreign entity or individual, a local institution should be actively involved in the research, collection and, whenever applicable and appropriate, in the technological development of the products derived from the biological and genetic resources.

Sec. 15. **Scientific Research on Wildlife.**- Collection and utilization of biological resources for scientific research and not for commercial purposes shall be allowed upon execution of an undertaking/agreement with and issuance of a gratuitous permit by the Secretary or the authorized representative: Provided that prior clearance from concerned bodies shall be secured before the issuance of the gratuitous permit: Provided, further, That the last paragraph of Section 14 shall likewise apply.

Sec. 16. **Biosafety.**- All activities dealing on genetic engineering and pathogenic organisms in the Philippines, as well as activities requiring the importation, introduction, field release and breeding of organisms that are potentially harmful to man and the environment shall be reviewed in accordance with the biosafety guidelines ensuring public welfare and the protection and conservation of wildlife and their habitats.

Sec. 17. **Commercial Breeding or Propagation of Wildlife Resources.**- Breeding or propagation of wildlife for commercial purposes shall be allowed by the Secretary or the authorized representative pursuant to Section 6 through the issuance of wildlife farm/culture permit: Provided, that only progenies of wildlife raised, as well as unproductive parent stock shall be utilized for trade: Provided, further, that commercial breeding operations for wildlife, whenever appropriate, shall be subject to an environmental impact study.

Sec. 18. **Economically Important Species** – The Secretary, within one (1) year after the effectivity of this Act, shall establish a list of economically-important species. A population assessment of such species shall be conducted within a reasonable period and shall be regularly reviewed and updated by the Secretary.

The collection of certain species shall only be allowed when the results of the assessment show that, despite certain extent of collection, the population of such species can still remain viable and capable of recovering its numbers. For this purpose, the Secretary shall establish a schedule and volume of allowable harvests.

Whenever an economically important species become threatened, any form of collection shall be prohibited except the scientific, educational or breeding/propagation purposes, pursuant to the provisions of this Act.

Sec. 19. *Designation of Management and Scientific Authorities for International Trade in Endangered species of Wild Fauna and Flora* – For the implementation of international agreement on international trade in endangered species of wild fauna and flora, the management authorities for terrestrial and aquatic resources shall be the Protected Areas and Wildlife Bureau (PAWB) of the DENR and the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA, respectively and that in the Province of Palawan the implementation hereof is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

To provide advice to the management authorities, there shall be designated scientific authorities for terrestrial and aquatic/marine species. For the terrestrial species, the scientific authorities shall be the Ecosystems Research and Development Bureau (ERDB) of the DENR, the U.P. Institute of Biological Sciences and the National Museum and other agencies as may be designated by the Secretary. For the marine and aquatic species, the scientific authorities shall be the Ecosystems Research and Development Bureau (ERDB) of the DENR, the U.P. Institute of Biological Sciences and the national Museum and other agencies as may be designated by the Secretary. For the marine and aquatic species, the scientific authorities shall be the BFAR, the U.P. marine Science Institute, U.P. Visayas, Siliman University and the national Museum and other agencies as may be designated by the Secretary: Provided, That, in the case of terrestrial species, the ERDB shall chair the scientific authorities, and in the case of marine and aquatic species, the U.P. Marine Science Institute shall chair the scientific authorities.

Sec. 20. *Authority of the Secretary to Issue Permits.* – The Secretary or the duly authorized representative, in order to effectively implement this Act, shall issue permits/certifications/clearances with corresponding period of validity, whenever appropriate, which shall include but not limited to the following:

- (i) Wildlife farm or culture permit 3 to 5 years;
- (ii) Wildlife collector's permit 1 to 3 years;
- (iii) Gratuitous permit 1 year;
- (iv) Local transport permit 1 to 3 months; and
- (v) Export/Import/Reexport permit 1 to 6 months.

These permits may be renewed subject to the guidelines issued by the appropriate agency and upon consultation with concerned groups.

Sec. 21. ***Fees and Charges.*** – Reasonable fees and charges as may be determined upon consultation with the concerned groups, and in the amount fixed by the Secretary shall be imposed for the issuance of permits enumerated in the preceding section.

For the export of wildlife species, an export permit fee of not greater than three percent (3%) of the export value, excluding transport costs, shall be charged: Provided, however, That in the determination of aforesaid fee, the production costs shall be given due consideration. Cutflowers, leaves and the like, produced from farms shall be exempted from the said export fee: Provided, further, That fees and charges shall be reviewed by the Secretary every two (2) years or as the need arises and revise the same accordingly, subject to consultation with concerned sectors.

Article Two

Protection of Threatened Species

Sec. 22. ***Determination of Threatened Species.*** – The Secretary shall determine whether any wildlife species or subspecies is threatened, and classify the same as critically endangered, endangered, vulnerable or other accepted categories based on the best scientific data and with due regard to internationally accepted criteria, including but not limited to the following:

- (a) present or threatened destruction, modification or curtailment of its habitat or range;
- (b) over-utilization for commercial, recreational, scientific or educational purposes;
- (c) inadequacy of existing regulatory mechanisms; and
- (d) other natural or man-made factors affecting the existence of wildlife.

The Secretary shall review, revise and publish the list of categorized threatened wildlife within one(1) year after effectivity of this Act. Thereafter, the list shall be updated regularly or as the need arises: Provided, That a species listed as threatened shall not be removed therefore within three (3) years following its initial listing.

Upon filing of a petition based on substantial scientific information of any person seeking for the addition or deletion of a species from the list, the Secretary shall evaluate in accordance with the relevant factors stated in the first paragraph of this section, the status of the species concerned and act on said petition within a reasonable period.

The Secretary shall also prepare and publish a list of wildlife which resembles so closely in appearance with listed threatened wildlife which species shall likewise be categorized as threatened.

Sec. 23 ***Collection of Threatened Wildlife, By-Products and Derivatives.*** – The collection of threatened wildlife, as determined and listed pursuant to this Act, including its by-products and derivatives, shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 6 of this Act: Provided, That only the accredited individuals, business, research, educational or scientific entities shall be allowed to collect for conservation breeding or propagation purposes.

Sec. 24. ***Conservation Breeding or Propagation of Threatened Species.*** – Conservation breeding or propagation of threatened species shall be encouraged in order to enhance its population in its natural habitat. It shall be done simultaneously with the rehabilitation and/or protection of the habitat where the captive-bred or propagated species shall be released, reintroduced or restocked.

Commercial breeding or propagation of threatened species may be allowed provided that the following minimum requirements are met by the applicant, to wit:

- (a) Proven effective breeding and captive management techniques of the species; and
- (b) Commitment to undertake commercial breeding in accordance with Section 17 of this Act, simultaneous with conservation breeding.

The Secretary shall prepare a list of threatened species for commercial breeding and shall regularly revise or update such list or as the need arises.

Sec. 25. ***Establishment of Critical Habitats.*** – Within two (2) years following the effectivity of this Act, the Secretary shall designate critical habitats outside protected areas under Republic Act No. 7586, where threatened species are found. Such designation shall be made on the basis of the best scientific data taking into consideration species endemism and/or richness, presence of man-made pressures/threats to the survival of wildlife living in the area, among others.

All designated critical habitats shall be protected, in coordination with the local government units and other concerned groups, from any form of exploitation or destruction which may be detrimental to the survival of the threatened species dependent therein. For such purpose, the Secretary may acquire, by purchase, donation or expropriation, lands or interests therein, including the acquisition of usufruct, establishment of easements or other undertakings appropriate in protecting the critical habitat.

Articles Three

Registration of Threatened and Exotic Species

Sec. 26. ***Registration of Threatened and Exotic Wildlife in the Possession of Private Persons.*** – No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife. Twelve (12) months after the effectivity of this Act, the Secretary shall set a period, within which persons/entities shall register all threatened species collected and exotic species imported prior to the effectivity of this Act. However, when the threatened species is needed for breeding/propagation or research purposes, the State may acquire the wildlife through a mutually acceptable arrangement.

After the period set has elapsed, threatened wildlife possessed without certificate of registration shall be confiscated in favor of the government, subject to the penalties herein provided.

All Philippine wildlife which are not listed on threatened prior to the effectivity of this Act but which may later become so, shall likewise be registered during the period set after the publication of the updated list of threatened species.

Chapter IV

Illegal Acts

Sec. 27 *Illegal Acts.* – Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts:

- (a) killing and destroying wildlife species, except in the following instances;
 - (i) when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;
 - (ii) when the wildlife is afflicted with an incurable communicable disease;
 - (iii) when it is deemed necessary to put an end to the misery suffered by the wildlife;
 - (iv) when it is done to prevent an imminent danger to the life or limb of a human being; and
 - (v) when the wildlife is killed or destroyed after it has been used in authorized research or experiments
- (b) inflicting injury which cripples and/or impairs the reproductive system of wildlife species;
- (c) effecting any of the following acts in critical habitat (s)
 - (i) dumping of waste products detrimental to wildlife;
 - (ii) squatting or otherwise occupying any portion of the critical habitat;
 - (iii) mineral exploration and/or extraction;
 - (iv) burning;
 - (v) logging; and
 - (vi) quarrying
- (d) introduction, reintroduction or restocking of wildlife resources;
- (e) trading of wildlife;
- (f) collecting, hunting or possessing wildlife, their by-products and derivatives;
- (g) gathering or destroying of active nests, nest trees, host plants and the like;
- (h) maltreating and/or inflicting other injuries not covered by the preceeding paragraph; and
- (i) transporting of wildlife.

Chapter V

Fines and Penalties

Sec. 28. *Penalties for Violations of this Act.*– For any person who undertakes illegal acts under paragraph (a) of the immediately preceding section to any species as may be categorized pursuant to this Act, the following penalties and/or fines shall be imposed:

- (a) imprisonment of a minimum of six (6) years and one (1) day to twelve (12) years and/or a fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), if inflicted or undertaken against species listed as Critical:
- (b) imprisonment of four (4) years and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if inflicted or undertaken against Endangered species.
- (c) Imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against Vulnerable species;
- (d) Imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty thousand pesos (P20,000.00) to two hundred thousand pesos (P200,000.00), if inflicted or undertaken against other threatened species; and
- (e) Imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraph (b) of the immediately preceeding section, the following penalties and/or fines shall be imposed:

- (a) imprisonment of a minimum of four (4) years and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00) if inflicted or undertaken against species listed as critical:
- (b) imprisonment of Two (2) years and one (1) day to four (4) years and/or a fine of Thirty thousand pesos (P30,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
- (c) imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against vulnerable species;
- (d) imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against other threatened species; and
- (e) imprisonment of one (1) month to six (6) months and/or a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraphs (c) and (d) of the immediately preceding section, an imprisonment of one (1) month to eight (8) years and/or a fine of Five thousand pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.

For illegal acts under paragraph (e), the following penalties and/or fines shall be imposed.

- (a) imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Five thousand pesos (P5,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as Critical;
- (b) imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Two thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against Endangered species;
- (c) imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of One thousand pesos (P1,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against Vulnerable species;
- (d) Imprisonment of one (1) month and one (1) day to six (6) months and/or a fine of Five hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species listed as other threatened species; and
- (e) imprisonment of ten (10) days to one (1) month and/or a fine of Two hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species

For illegal acts under paragraphs (f) and (g) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- (a) imprisonment of two (2) years and one (1) day to four (4) years and a fine of Thirty thousand pesos (P30,000.00) to three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as Critical;
- (b) imprisonment of one (1) year and one (1) day to two (2) years and a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against Endangered species;
- (c) imprisonment of six (6) months and one (1) day to one (1) year and a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against Vulnerable species;
- (d) imprisonment of one (1) month and one (1) day to six (6) months and a fine of Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species listed as other threatened species; and
- (e) imprisonment of ten (10) days to one (1) month and a fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against other wildlife species: Provided, That in case of paragraph (f), where the acts were perpetuated through the means of inappropriate techniques and devices, the maximum penalty herein provided shall be imposed.

For illegal acts under paragraphs (h) and (i) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- (a) imprisonment of six (6) months and one (1) day to one (1) year and a fine of Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against species listed as Critical species;

- (b) imprisonment of three (3) months and one (1) day to six (6) months and a fine of Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against Endangered species;
- (c) imprisonment of one (1) month and one (1) day to three (3) months and a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against Vulnerable species;
- (d) imprisonment of ten (10) days to one (1) month and a fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00) if inflicted or undertaken against species listed as other threatened species;
- (e) imprisonment of five (5) days to ten (10) days and a fine of Two hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or undertaken against other wildlife species.

All wildlife, its derivatives or by-products and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be ipso facto forfeited in favor of the government: Provided, That where the ownership of the aforesaid conveyances belong to third persons who has no participation in or knowledge of the illegal acts, the same may be released to said owner. The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.

If the offender is an alien, he shall be deported after service of sentence and payment of fines, without any further proceedings.

The fines herein in prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

Chapter VI

Miscellaneous Provisions

Sec.29. *Wildlife Management Fund.* – There is hereby established a Wildlife Management Fund to be administered by the Department as a special account in the National Treasury. It shall finance rehabilitation or restoration of habitats affected by acts committed in violation of this Act and support scientific research, enforcement and monitoring activities, as well as enhancement of capabilities of relevant agencies.

The Fund shall derive from fines imposed and damages awarded, fees, charges, donations, endowments, administrative fees or grants in the form of contributions. Contributions to the Fund shall be exempted from donor taxes and all other taxes, charges or fees imposed by the government.

Sec. 30. *Deputation of Wildlife Enforcement Officers:-* The Secretary shall deputize wildlife enforcement officers from non-government organizations, citizens groups, community organizations and other volunteers who have undergone the necessary training for this purpose. The Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI) and other law enforcement agencies shall designate wildlife

enforcement officers. As such, the wildlife enforcement officers shall have the fully authority to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention.

Sec. 31 *Establishment of National Wildlife Research Centers* – The Secretary shall establish national wildlife research centers for terrestrial and aquatic species to lead in the conduct of scientific researches on the proper strategies for the conservation and protection of wildlife, including captive breeding or propagation. In this regard, the Secretary shall encourage the participation of experts from academic/research institutions and wildlife industry.

Sec. 32. *Wildlife Rescue Center.* – The Secretary shall establish or designate wildlife rescue centers to take temporary custody and care of all confiscated, abandoned and/or donated wildlife to ensure their welfare and well-being. The Secretary shall formulate guidelines for the disposition of wildlife from the rescue centers.

Sec. 33. *Creation of Wildlife Traffic Monitoring Units.*– The Secretary shall create wildlife traffic monitoring units in strategic air and seaports all over the country to ensure the strict compliance and effective implementation of all existing wildlife laws, rules and regulations, including pertinent international agreements.

Customs officers and/or other authorized government representatives assigned at air or seaports who may have intercepted wildlife commodities in the discharge of their official functions shall, prior to further disposition thereof, secure a clearance from the wildlife traffic monitoring unit assigned in the area.

Sec. 34. *Exemption from Taxes.* – Any donation, contribution, bequest, subsidy or financial aid which may be made to the Department of Environment and Natural Resources or to the Department of Agriculture and to NGOs engaged in wildlife conservation duly registered with the Securities and Exchange Commission as certified by the local government unit, the Department of Environment and Natural Resources or the Department of Agriculture, for the conservation and protection of wildlife resources and their habitats shall constitute as an allowable deduction from the taxable income of the donor and shall be exempt from donor's tax.

Sec. 35. *Flagship Species.* – Local government units shall initiate conservation measures for endemic species in their areas. For this purpose, they may adopt flagship species such as the Cebu black shama (*copsychus cebuensis*), tamaraw (*bubalus mindorensis*), Philippine tarsier (*tarsius syrichta*), Philippine teak (*tectona philippinensis*), which shall serve as emblems of conservation for the local government concerned.

Sec. 36. *Botanical Gardens, Zoological Parks and Other Similar Establishments.* – The Secretary shall regulate the establishment, operation and maintenance of botanical gardens, zoological parks and other similar establishments for recreation, education and conservation.

Sec. 37. *Implementing Rules and Regulations* – Within twelve (12) months following the effectivity of this Act, the secretaries of the Department of Environment and Natural Resources and the Department of Agriculture, in coordination with the Committees on Environment and

Ecology of the Senate and the house of Representatives, respectively, shall promulgate respective rules and regulations for the effective implementation of this Act. Whenever appropriate, coordination in the preparation and implementation of rules and regulations on joint and inseparable issues shall be done by both Departments. The commitments of the State to international agreements and protocols shall likewise be a consideration in the implementation of this Act.

Sec. 38. ***Appropriations.*** – The amount necessary to initially implement the provisions of this Act shall be charged against the appropriations of the Department of Environment and Natural Resources in the current General Appropriations Act. Thereafter, such sums as may be necessary to fully implement the provisions of this Act shall be included in the annual General Appropriations Act.

Sec. 39. ***Separability Clause.*** – Should any provision of this Act be subsequently declared as unconstitutional, the same shall not affect the validity or the legality of the other provisions.

Sec. 40. ***Repealing Clause.*** – Act Nos. 2590 and 3983. Commonwealth Act No. 63, as amended; Presidential Decree No.1219, as amended Republic Act No.6147, and other laws, orders and regulations inconsistent herewith are hereby repealed or amended accordingly.

Sec. 41. ***Effectivity*** – This Act shall take effect fifteen (15) days after publication in the Official Gazette or two (2) newspapers of general circulation.

This Act which is a consolidation of House Bill No. 10622 and Senate Bill No. 2128 was finally passed by the House of Representatives and the Senate on February 8, 2001 and March 20, 2001, respectively.



Laos

Laos has a zoo but we do not have anything of their legislation as yet



Vietnam

Vietnam has two government zoos in Hanoi and Saigon but we do not have anything of their legislation as yet.



South East Asian Zoo Association

Virtually all South East Asian countries and even some East Asian zoos are members of the South East Asian Zoo Association (SEAZA). In the absence of viable legislation and standards in some countries, the association's attempts to raise the standards of South East Asian Zoos is significant. Given the differences between countries and their priorities, a crucial tool for South East Asian Zoos is their Association, now ten years old and very well established, SEAZA has drawn up feasible standards for captive wild animal keeping and care and instituted a procedure for inspections which works for this region.

The standards are included as part of the SEAZA Constitution which is given in full below. This document can be accessed at the SEAZA website <http://www.seaza.org>.

SEAZA CONSTITUTION

PREAMBLE

We, the South East Asian Zoos Association (SEAZA), are an organization devoted to the conservation of wildlife, and to the display of wildlife for public education;

Believing that every biological species has a right to survival, that humans have an obligation to protect that right, zoos in developing countries are obliged to educate and motivate citizens to care for wildlife and to help preserve their regional biological diversity;

Desiring to carry out this obligation by managing animals under our stewardship in conditions that promote their individual well being, genetic diversity of their populations, preservation of their taxa, and conservation of their natural ecosystems, we will strive to:

- a. Exhibit animals to the general public in ways that will educate the public at the same time it provides them with a pleasurable leisure-time activity, and that will foster in them respect and empathy towards animals and natural ecosystems;
- b. Conduct benign research into the biology and behavior of species in our care, especially as it will contribute to our ultimate goals of conservation and education;
- c. Optimize the reproduction and genetic diversity of populations of species in our care, including serving as gene banks for endangered taxa, available to genetically enhance wild populations when necessary;
- d. Serve as reproductive sanctuaries for species that are so threatened or endangered in their natural habitats that our intervention is required to help prevent their extinction.

We desire also to promote professional camaraderie with zoos and other conservation organizations outside South East Asia, in order to facilitate cooperative pursuit of our shared goals of protecting and conserving wildlife for the benefit of humankind;

And knowing of the resolution adopted at the inaugural conference of South East Asian Zoos at Zoo Negara, Selangor, Darul Ehsan, Malaysia, July 28-30, 1988, the resolution by the International Zoo Association Workshop in Front Royal, USA, April 25, 1990, and that adopted by the third conference of the South East Asian Zoo Association held at Bogor, Indonesia, October 22-25, 1990;

We hereby declare the adoption of this amended Constitution joined here with the Bylaws of the South East Asian Zoos Association, last amended at Singapore, in October of 1997, to become the Constitution and Bylaws of the South East Asian Zoos Association.

Article 1

NAME

The name of the association will be the South East Asian Zoos Association, a non-governmental organization, hereinafter referred to as SEAZA. In this context, "zoos" shall be defined as inclusive of zoological gardens, biological parks, safari parks, public aquariums, bird parks, reptile parks, insectariums, and other collections of wildlife primarily for public exhibition and/or breeding endangered species.

Article 2

PURPOSE AND OBJECTIVES

SEAZA's purpose is to enhance the capabilities of South East Asian zoos to conserve wildlife, to provide education and recreation for the public, and to improve the standards, status, and public images of zoos in South East Asia. SEAZA has several objectives, the pursuit of which will help to accomplish its purpose. These objectives are to:

- a. Promote camaraderie and cooperation amongst personnel of South East Asian Zoos;
- b. Provide a forum in which members can exchange information, share expertise, and co-ordinate activities of common interest.
- c. Encourage and assist in the development of educational programs aimed at improving conservation consciousness of zoo visitors;
- d. Encourage conservation-oriented *ex-situ*, breeding programs;
- e. Support *in-situ* wildlife management and research programs, and promote their integration with *ex-situ* programs in SEAZA institutions;
- f. Promote wildlife-based domestic and international tourism to *in-situ* and *ex-situ* conservation sites.

Article 3

ACTIVITIES

In pursuance of the objectives mentioned above, SEAZA shall initiate and/or undertake activities that include, but are not limited to, the following:

- a. Organize conferences/seminars/workshops to exchange information and discuss matters of common interest;
- b. Conduct inter-zoo training in any and all aspects of zoo and animal management.
- c. Undertake conservation breeding programs on the basis of regional studbooks and animal exchange programs;
- d. Exchange published information, i.e. newsletters, annual reports, surplus lists and others.
- f. Coordinate with and support in-situ conservation and management programs, particularly those dealing with threatened or endangered species endemic to South East Asia.

Article 4

PRINCIPLES

- a. All members shall comply with the objectives, principles, and rules set forth in SEAZA's Constitution and Bylaws;
- b. Members shall undertake to:
 - i. maintain a high standard of animal husbandry with a professional staff including a strong program of veterinary medical care at both preventive and curative levels;
 - ii. participate in coordinated species management programs at national and/or international levels;
 - iii. abide by the SEAZA policy on acquisition and disposal of zoo animals;

Article 5

STRUCTURE

The structure of SEAZA shall be:

- a. The General Assembly (described immediately below, in Article 6 of the Constitution) and
- b. The Executive Board (described in Article I of the Bylaws).

Article 6

GENERAL ASSEMBLY

- a. The General Assembly shall comprise the delegations of all members of SEAZA, and shall convene at intervals of not exceeding three years;
- b. If a national zoological association or organization exists in a member country, it shall have one vote. In the absence of such a national association or organization, the zoos in the particular member-country should undertake to agree on one representative who shall vote on their behalf;
- c. At least three months notice shall be given in writing before the meeting of the next General Assembly together with a provisional agenda;
- d. A quorum for a General Assembly shall be a simple majority of the existing members;
- e. Issues discussed and decisions made at meetings of the General Assembly shall be recorded in the Conference Communiqué.

Article 7

SECRETARIAT

The Secretariat will be located in the country where the President resides.

BYLAWS OF THE SOUTH EAST ASIAN ZOOS ASSOCIATION

ARTICLE I. Executive Board

Section 1. Members of the Executive Board

The affairs of SEAZA shall be managed by an Executive Board elected at a meeting of the General Assembly. The members shall be a President, Vice-President, Immediate Past President, Secretary and the Chairs of standing committees. They will be at least three (3) different member countries with voting representation in SEAZA. Unless he declines, the Vice-President shall be elected as the next President. Executive Board members serve terms of three (3) years from their election. On expiry of the office, the member may stand for re-election.

All past presidents of the Executive Board, except the Immediate Past President, are Honorary Members of the Executive Board.

The Executive Board may adopt such rules and regulations for the conduction of business as they deem advisable, within limits of the Constitution and Bylaws. The Executive Board may establish standing committees as needed to assist in the management of SEAZA affairs.

Section 2. Meetings

The Executive Board shall meet twice annually or whenever deemed necessary to consider adoption of the annual budget, reports, and recommendations of committees, and other appropriate business. A special meeting may be called by the President upon his own judgment of necessity. Notice thirty (30) days in advance shall be required for such special meetings.

A simple majority of the Executive Board shall constitute a quorum for the transaction of business. A simple majority of votes shall be required for any official action by the Executive Board, where not otherwise specified in these Bylaws.

Section 3. Vacancies

In the event of death, permanent disability, resignation, or other cause that prematurely vacates the office of President, the Vice-President becomes President. Persons filling other vacancies resulting from premature termination of the incumbents' terms of office must be elected by a majority vote of the Executive Board. The Executive Board will notify the membership of any vacancy and call for subsequent nominations. The Executive Board's selection must be ratified at the first meeting of the General Assembly following the selection.

Section 4. Absences

Any member absent from a meeting of the Executive Board shall notify the President of the reason for absence.

Section 5. Duties of Elective Members

The elective members shall perform the usual duties of their offices and such other duties as may be determined by the Executive Board in accordance with the Constitution and Bylaws. The President shall be an *ex officio* member of all committees.

ARTICLE II. Committees

The Executive Board may establish committees, as may be required from time to time, to carry out the objectives of SEAZA. The size and term of such committees shall be determined by the Executive Board.

Section 1. Committee Requirements

Chairmen of all committees must be official representatives of South East Asia institutional member organizations. Unless otherwise indicated in the Constitution or Bylaws, the committee will function in accordance with rules and regulations set forth by the Executive Board, and their work is subject to the approval of the Executive Board.

Section 2. Advisors and Assistants

The President may appoint such Advisors or Assistants as he/she deems necessary to assist in carrying out the objectives of SEAZA.

ARTICLE III. Nominations and Elections

Section 1. Nominations

Nominations of candidates for the Executive Board shall be made by written support of two (2) members of different South East Asia institutional member organizations together with the written consent of the candidate. All nominees must represent member institutions that have been active in SEAZA for three (3) years or more at the time of election. The Executive Board shall notify the candidates of their selection, and shall secure from each candidate a letter stating that he/she may serve, if elected, and carry out the duties of the office, including attendance at Executive Board meetings, as appropriate, and at the Annual Business Meeting of the membership.

Elections of Executive Board members shall be by secret ballot of eligible voting members (see ARTICLE V, Section 2) at a General Assembly during the annual business meeting. The President shall be called upon to cast an additional vote in the event of a tie.

Section 2. Proxy vote.

Members may delegate authority for proxy votes in writing to any other voting member.

ARTICLE IV. Meetings

Section 1. Annual Business Meeting

SEAZA shall regularly hold one business meeting for the members each year. The business of the annual business meeting shall include the General Assembly, scientific sessions, administrative sessions as needed, and other appropriate items.

Section 2. Quorum

A quorum shall be a simple majority of eligible voting members.

Section 3. Conduct of Meetings

All meetings of the membership shall be conducted subject to normal parliamentary procedures and to such other rules and regulations as may be set forth by the Executive Board.

Section 4. Resolutions

Resolutions and actions affecting the entire membership must be presented in writing to the Executive Board, which will review, edit, and approve or disapprove. Resolutions approved by the Executive Board will be presented to the members for a vote at the next annual meeting, the next special meeting, or by post. Approval by a majority of qualified members attending such a meeting or casting a mail ballot shall be necessary for adoption. These resolutions shall be binding upon all members in all classifications, effective upon publication in an official publication of SEAZA, or letter from the SEAZA President.

In an emergency, a resolution may be adopted by a three-fifths (3/5) majority of the Executive Board. Such emergency resolutions become binding upon all members immediately upon notification and remain in effect unless rejected by the voting membership during the Annual Business Meeting.

ARTICLE V. Membership categories and qualifications

Section 1. General Requirements

Any person, institution, society, related organization, or corporation properly nominated and willing to abide by the Constitution and Bylaws and all other rules and regulations of SEAZA, may be elected to membership by the Executive Board provided they meet the requirements set forth in the various sections of this Article V. The Executive Board shall assume the responsibility of reviewing applications for membership.

Section 2. South East Asia Institutional Ordinary Members

Institutional Ordinary members shall be zoological parks, aquariums, wildlife parks, national associations of zoological parks and aquariums, and other zoological organizations of South East Asia. They shall have regular and predictable visiting hours which are convenient to the general public and which constitute more than a token opening. Collections of zoological park, aquarium, and wildlife park members shall be comprehensive, and not merely holdings of domestic or semi-domestic animals or meager collections of wild animals. They shall further be defined as having as their PRIMARY business: (1) The exhibition, conservation, and preservation of the earth's fauna in an educational and scientific manner, or (2) the organization and promotion of same.

If a national or territorial zoological association or organization exists in a member country or territory that has at least one SEAZA Institutional Ordinary Member, that country or territory shall have one vote. In the absence of such a national or territorial association or organization in a country or territory with at least one SEAZA Institutional Ordinary Member, the zoos in that particular country or territory shall agree on one representative who shall vote on their behalf. Regardless of how many members of other categories they may have, countries and territories that do not have at least one (1) SEAZA Institutional Ordinary Member shall not have the privilege to vote in SEAZA.

Section 3. Associate Member

Associate members shall be persons (individual associate member) or institutions (institutional associate member) who support the purpose and objectives of SEAZA. There is no geographic

restriction on Associate membership, i.e., Associate members can be from any country in the world. Associate members shall not have the right to vote or hold elective office.

Section 4. Honorary Member

Honorary members shall be persons who by reason of their interest in and service to zoological parks, aquariums, or to SEAZA have substantially promoted the goals for which SEAZA was formed, as stated in the Constitution. Candidates for Honorary membership shall be elected by the Executive Board. Honorary members shall not have the right to vote or hold elective office.

Section 5. Commercial Member

Commercial members are businesses engaged in the sale of products or services to zoos.

ARTICLE VI. Membership Dues and Services

Section 1. Dues and Services

Annual membership dues and services shall be established by the Executive Board for each membership classification. The Executive Board will review dues annually, and, at its own discretion, adjust them when required. Members or potential members may petition the Executive Board to reduce stipulated membership fees. The Executive Board will review such petitions, and, on a case by case basis, at the Executive Board's own discretion, approve, modify, or reject such petitions.

Section 2. Dues Payment

Membership dues are based upon the calendar year and are due the first of January. Members in arrears of dues sixty (60) days may be expelled from membership by the Executive Board.

ARTICLE VII. Suspension and Expulsion of Members by the Executive Board:

The Executive Board may, for cause, suspend, or terminate any membership in any classification. Such members shall be notified of the charges by certified mail to the last recorded address at least fifteen (15) days before the next Executive Board meeting. The notification shall include the time and place of the Executive Board meeting. The member shall have the opportunity to appear in person and/or by representation to present his/her defense of the charges before any formal action is taken by the Executive Board.

ARTICLE VIII. Amendments.

The Constitution and Bylaws Committee shall submit proposed amendments or revisions to the Executive Board for approval. In addition, proposed amendments may be submitted to the Executive Board by a petition signed by at least ten (10) percent of the number of voting members as of 31 December of the preceding year. Amendments submitted by petition do not require the approval of the Executive Board. The Executive Board shall cause all approved, proposed amendments or revisions and all proposed amendments submitted by petition to be submitted for vote to the General Assembly at its next gathering. If at least two-thirds (2/3) of those voting approve such a proposal, it shall become effective as an amendment to the Bylaws.

ARTICLE IX. Parliamentary Procedure

The Executive Board shall be the final authority in interpretations of the Constitution, Bylaws, and other rules of SEAZA.

ARTICLE X. Seal

SEAZA shall have a seal of such design as the Executive Board may adopt. The Executive Board shall determine its use, and it shall not be used otherwise.

Approved by the Executive Board: 7 October 1994 in Jakarta.

Adopted by the General Assembly: 15 November 1994 in Hong Kong

Amendments adopted 24 October 1996 in Melaka.

Amendments to the Constitution and integration of the Constitution and Bylaws into a single document adopted 3 November 1999 in Ho Chi Minh City.



WELFARE AND ETHICS

Mission

To encourage all members to develop and maintain high standards of animal displays and animal welfare in their collections, and if this is currently unattainable, to at least ensure that minimal standards are adhered to.

Member zoos will be evaluated periodically and encouraged to improve standards when necessary. National legislation on animal welfare should be reviewed with the long-term view of closing zoos that continuously do not meet minimal standards. Member zoos should conduct all animal transactions in an ethical manner.

A Code of Ethics has been formulated which SEAZA members are expected to adhere to. General Standards For Exhibiting Animals have also been developed, which is listed at Annex 1.

SEAZA Code of Ethics

South East Asian region is characterized by a rich diversity of cultures and zoological institutions. Bound by a common vision, SEAZA members must work together to achieve our goals and to bring all our zoos to a shared international standard.

The continued existence of zoological parks and aquariums depends on recognition that our profession is based on the respect and dignity of the animals in our care, the people we serve and most importantly, for each other.

In order to promote high standards of conduct in our profession, the following basic principles have been formulated by SEAZA for the guidance of its members.

As a member of SEAZA, I pledge to:

1. Realize that I have moral responsibilities to the animals under my care, to my colleagues and to the public.
2. Use my professional skills based on the highest integrity and SEAZA code of ethics to benefit the animals under my care and the community.
3. Deal fairly with members in the dissemination of professional information and advice and to encourage publication of significant achievements and appropriate publications and presentations in the field of breeding, husbandry, medical technology, design, etc.
4. Conform to international conventions, agreements and to national laws, especially when seeking to import and export species of fauna and flora.
5. Promote public education in wildlife conservation, biodiversity, and animal welfare.
6. Maintain well kept records of specimens in the collection and to contribute to ISIS when appropriate.

7. Cooperate with SEAZA-approved zoos/aquariums and persons/organizations in breeding programmes.
8. Endeavour at all times to improve standards of animal welfare, professional training, public education and conservation in zoos and aquariums.
9. Cooperate with the wider conservation community to develop in-situ conservation projects and, where appropriate, work together on small population management. These include governmental wildlife departments, wildlife agencies, conservation organizations, and research institutes in recognizing and enforcing the regulations concerning wildlife.
10. Promote SEAZA and work progressively towards all professional guidelines mutually agreed upon by SEAZA and WZO.

ANNEX 1 – ANIMAL WELFARE

I - GENERAL STANDARDS FOR EXHIBITING ANIMALS

The standards set forth herewith are minimum standards and do not exclude the exercise of sound judgment based on training education and experience and the use of information commonly accepted and used in captive management of wild animals.

Display:

Each animal must be exhibited in a manner that:

1. As far as possible provides a naturalistic setting which resembles the animals habitat and provides for its behavioral and physical well-being.
2. Provides the means for enrichment of the animals behavioral activities in order to further its welfare produce a more interesting educational exhibit and aid in the reduction of stereotypic behavior.
3. Provides recreational and educational opportunities which encourage an increase in public understanding of and responsibility for animals and their environment.

By the use of attendants and physical barriers or both protect the animals from abuse and harassment by the viewing public.

Shelter:

Each animal must be provided with shaded with shaded covered or sheltered areas appropriate to protect it from adverse conditions attributable to the climate and any other environmental factor.

Space:

Each animal must be provided with sufficient space in all directions to enable it to have normal locomotion, to be protected from undue dominance and conflict, and to be provided with its social breeding and husbandry needs.

Visitor facilities:

There must be

1. adequate clean and well maintained toilet facilities for visitors,
2. adequate shelter and seating for visitors
3. first aid facilities, and

4. Maps and directional signs showing the location of the animals on display and other visitor facilities.

On each enclosure for animals on display there must be signs and illustrations that enable the visiting public to identify each species in the enclosure and provide information about the animals. The information to be provided should include aspects of population status range and habitat food habitats and physiological anatomical and behavioral to their environment.

Nutrition & Hygiene:

1. Each animal should be offered a balanced diet with variety or wholesome and palatable food and water in quantities that are sufficient to provide for its good health and normal growth.
2. Veterinary advice must be obtained and followed in relation to the addition of food supplements to the ordinary diet of animals.
3. Food must be clean unspoiled and free from chemical and biological contamination.
4. Water for animals must be changed daily and not allowed to become stagnant.
5. High standards of cleanliness must be observed by staff engaged in the preparation of food and drinks for the animals and adequate facilities must be provided for cleaning of utensils and equipment used.
6. Utensils and equipment used in preparing and distributing food and drink must be cleaned after use and kept clean when not use.
7. Food preparation areas must be washed down daily and treated with appropriate disinfectants.

Utensils and other equipment used in preparing the food and drink must not be used for any other purpose.

Food storage & preparation:

1. Supplies of food for the animals must be stored in facilities in which they are adequately protected against deterioration, mould and contamination.
2. Toxic substances, dead animals and discarded foodstuff must not be kept in a food storage area.
3. Frozen food must be stored at a temperature that is not higher than 18 degrees below Celsius.

Utensils and equipment used for the offering of food and drink to animals must not be used for any other purpose, must be easy to clean and designed to avoid injury to the animals and staff, and must when in an enclosure, be placed in such a position that each animal in the enclosure has easy access to sufficient food and water and the risk of contamination from soiling by the animals is minimized

Waste disposal:

Provision must be made for the removal and disposal of:

1. Animal and food waste
2. Unwholesome food and water
3. Dead animals
4. Introduced rubbish.

.....from each animal enclosure as often as is necessary to minimize vermin infestation and disease hazards, reduce odor and prevent the ingestion of harmful objects.

Pest & Predator control:

1. Effective and regular program for the control of ectoparasites and vertebrate pests must be established and maintained

Enclosures must be so designed as to exclude predators.

Health checks:

Arrangements must be made for regular veterinary inspection and care of each animal. Facilities must be provided on the premises for:-

1. Euthanasia of animals which are chronically ill or carriers of deadly contagious diseases
2. Routine examination of animals in surroundings that are clean and well ventilated
3. The restraint of animals
4. The administration of general anesthetic

An enclosed treatment area must be provided for the care of distressed, sick and injured animals and those recovering from sedation.

New arrivals:

All new animals must be kept in quarantine for 60-90 days for initial health screening tests. They can also be kept in isolation for as long as may be necessary to provide for its examination, acclimatization and, if necessary, restoration to good health before being placed in the company of other animals.

Dead animals:

1. Provision must be made for the handling of a dead animal in a way that minimizes the risk of transmission of infection or disease.
2. Unless there is an arrangement for a dead animal to be quickly removed to veterinary facilities outside the premises. Facilities must be provided on the premises for conducting a post mortem examination in a safe and hygienic manner. Provision must be made for material to be stored under refrigeration if an immediate post-mortem examination is not possible.
3. The facilities provided for post-mortem examination must include an efficient drainage system, washable floors and walls, and an examination table. Facilities for taking and preserving specimens.
4. Equipment used for the storage of post-mortem material must not be used for any other purpose.

Unless the remains of a dead animal are to be used for scientific or educational purposes; or are offered to and accepted by, an approved museum or other approved scientific establishment, they must be disposed off by incineration and if incineration is not possible by any other method adopted on veterinary advice.

Husbandry and Management

Design of enclosures:

1. An enclosure occupied by several animals must allow for normal patterns of group behavior
2. An enclosure must be of a sufficient size, and the animals in the enclosure must be so managed, as to avoid undue domination of a herd or group by an individual of individuals, avoid the risk of persistent and unresolved conflict between herd or group members or between different species in enclosures containing different species, make possible for an animal to avoid, or withdraw from, contact with other animals or people, ensure that the carrying capacity of the enclosure is not exceeded, prevent an uncontrolled accumulation of parasites and other pathogens, and encourage and permit exercise and behavioral enrichment.
3. An enclosure must, if possible include naturalistic furniture, and include where appropriate, such items as bedding material, branches, burrows, nesting boxes and pools to aid and encourage normal behavior, aquatic and semi-aquatic animals must be provided with clean water for swimming, semi-aquatic animals must be provided with dry areas for resting.

Indoor housing of animals:

1. Lighting inside indoor housing for an animal must be adequate for proper cleaning of the housing and for carrying out routine health and hygiene checks.
2. Indoor housing for an animal must be provided with ventilation that is sufficient to maintain the health of the animal, and is so designed as to minimize undue draughts, odors and moisture condensation.
If an animal is a diurnal animal housed indoors, light, and must be provided in the housing and must be of such quality, intensity and duration as to disturb as little as possible normal physiological and behavioral patterns of the animal.

Signs:

1. Signs requesting the public to refrain from interfering with the animals and feeding the animals and must be conspicuously placed at appropriate places.
2. rules have been drawn up to be observed by the visiting public, these must be conspicuously placed at the entrance of premises.

Safety and security

Construction of enclosure:

1. An enclosure must be so constructed that if the visiting public and the animal attendants exercise due care, they are safe, and an animal in the enclosure can escape only in circumstances that cannot reasonably be foreseen and guarded against, and the risk of injury to an animal in the enclosure is minimized.
2. Vegetation or other material in or near an enclosure must be removed or repositioned if it would otherwise assist an animal to escape.
3. The enclosure in which a digging or burrowing animal is kept must be constructed with a subterranean floor consisting entirely of concrete covered by sufficient soil so that the animal can dig or burrow without escaping: or with an enclosure fence of galvanized metal mesh or concrete

extending below ground level to a depth of at least 1 meter and then extended horizontally with the enclosure for at least one meter so that animal can dig or burrow without escaping.

Gates, doors & slides:

1. Gates or doors on the perimeter of an enclosure must open inwards to the enclosure.
2. If an entrance to an enclosure is a safety entrance through successive gates or doors, they must open inwards towards the enclosure.
3. A gate, door or slide giving entrance to an enclosure must be so designed that an animal in the enclosure cannot lift the gate of door off its hinges or a slide off its tracks; or unfasten the security device such as locks.

Dangerous animals:

1. The entrance to an enclosure (other than a reptile pit) in which a dangerous animal is kept must be by means of a safety entrance through successive gates or doors which are kept locked unless a person is within the enclosure.
2. If the doors of gates through which such an enclosure is entered are electrically operated, they must be provided with alternative means by which they may be manually operated without risk to the operator.
3. The operating position for gates, door, slides or other means of access must provide a safe means of access; and a clear view of the gates, doors, slides and other means of access, and the immediate surrounding area.

Public Barriers

If direct contact between a dangerous animal and the public would be possible, the animal must be separated from the public by a barrier so designed that direct contact with the animal is avoided, and evasion of the barrier (especially children) is made as difficult as is reasonably practicable.

Warning signs:

1. If an enclosure contains an animal that is known to be dangerous, or may reasonably be suspected of being dangerous, or is dangerous because it includes an electrified fence, the enclosure must be provided with an adequate number of clearly visible and legible signs giving proper warning, by means of words or signs, or both, of the danger.
2. The signs in a drive-through area must warn visitors to the area should not to leave the motor vehicle, and to keep all the doors of the motor vehicle locked, and to keep closed all the windows, and any sun-roof, of the motor vehicle, and if the motor vehicle breaks down-to sound the horn, or flash the headlamps and warning lamps, and await the arrival of a rescue vehicle.

II. Acquisition of Animals

All members will endeavor to ensure that the source of animals is confined to those born in captivity and this will be best achieved by direct zoo to zoo contact. This will not preclude the receipt of animals resulting from confiscation or rescues. It is recognized that there is a legitimate need for conservation breeding programs, education programs or basic biological studies, to obtain animals from the wild. Members must be confident that such acquisitions will not have a deleterious effect upon the wild population

III. Transfer of Animals

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 WZO members. All animals being transferred will be accompanied by appropriate records with details of health, reproductive and genetic status and behavioral characteristics having been disclosed at the commencement of negotiations. These records will allow the receiving institutions to make appropriate decisions regarding the future management of the animal. All animal transfers should conform to the international standards applying to the particular species. Where appropriate, animals should be accompanied by qualified staff.

IV. Contraception

Contraception may be used wherever there is a need for reasons of population management. The possible side effects of both surgical and chemical contraception, as well as the negative impact on behavior, should be considered before a final decision to implement contraception is made.

V. Euthanasia

Whenever it is necessary to euthanase an animal, care will be taken to ensure it is carried out in a way that ensures a quick death without suffering. Euthanasia may be controlled by local customs and laws but should always be used in preference to keeping an animal alive under conditions which do not allow it to experience an appropriate quality of life. Whenever possible a post-mortem examination should be performed and biological material preserved for research and gene conservation.

VI. Mutilation

Mutilation of any animal for cosmetic purpose, or to change the physical appearance of the animal, is not acceptable. Pinioning of birds for educational or management purposes should only be undertaken when no other form of restraint is feasible and marking animals for identification should always be carried out in a way that minimizes suffering and under professional supervision.

VII. Reintroduction

No release-to-the-wild program shall be undertaken without the animals having undergone a thorough veterinary examination to assess their fitness for such release. Following release, a thorough monitoring program should be established and maintained. The IUCN/SSC/Reintroduction Species Group guidelines for reintroduction should always be followed.

VIII. Deaths of Animals whilst in care

Unless there are sound reasons not to do so, each animal which dies in captivity, or during a release-to-the-wild program, should be post-mortem and a cause of death ascertained.



East Asia

Zoo and Related Legislation

East Asia includes China, Japan, Mongolia, North Korea, South Korea and Taiwan. These countries normally use their own language and have few English translations of such documents as legislation. We have little to offer for this section at this time but will include what is available until it can be replaced by legislation, as such.

China

China had 180 zoos in 1997 and, as far as any Chinese scholars could tell us, there is no zoo legislation. The zoos operate under the Ministry of Construction which oversees environment. China does have a zoo association, however, also under the Ministry of Construction. The Association stands in as a sort of monitor and advisor. It is possible for the Association to pressurize individual institutions via Ministry authority. An article about the Association follows this section.

Japan

Japan is without legislation controlling any aspect of its more than 100 zoos, even quarantine for imported exotic animals. There is a zoo association which was founded in 1939 and, according to Japanese zoo buff, Ken Kawata to whom we are indebted for most of this information, had a membership of 97 zoos and 65 aquariums in 1997. The association, JAZGA, Japanese Association of Zoological Gardens and Aquariums, does not conduct inspections and has no system of accreditation; it organises conferences, issues awards and brings out publications. The zoos are operated by municipal governments while aquaria are mostly privately owned and operated. Kawata points out that Japanese zoos operate under fewer legal, social and economic pressures compared with, for example, their American counterparts. There is virtually no legislation, even for animal health, quarantine and importation; there are no effective animal welfare groups to lobby for zoo standards and regulations, and few economic constraints as natural limitations to the expansion of zoos. All we have to offer at this time for Japan is the Articles of Association of JAZGA.

Hong Kong

Hong Kong is a very organized country and has many, many laws. There are quite a number of zoos, bird parks, aquaria and theme parks operated by local and municipal governments. While not large or elaborate, most zoos and parks in Hong Kong are well maintained, reflecting the plethora of regulations. We do not have the actual legislation but only a list of laws which are related to animal operations, contributed by Dr. Susan Gendron, Curator, Ocean Park, Hong Kong.

We do not have any zoo legislation information for Mongolia, North Korea, South Korea or Taiwan.



China

Chinese Association of Zoological Gardens (CAZG)

China is a very large country with immense biological richness. Its 2,340 vertebrate species (499 mammals, 1,186 birds, 376 reptiles, and 279 amphibians) constitute a significant portion of the earth's biodiversity. Habitat loss and hunting in China have created a great many highly threatened species. There are many zoos in China of varying quality. They house more than 100,000 individual animals of about 600 species. Of these facilities, 30 are "integrated" zoos that are used to teach the public, especially students, to protect wild animals, and to conduct research on animal preservation and breeding.

The Chinese Association of Zoological Gardens (CAZG) was founded in 1985 and in 1997 had more than 180 member institutions. The association has six regional branches: North China branch, Northeast branch, East China branch, Central South branch, Southwest branch, and Northwest branch. The association operates under the Ministry of Construction, which is also responsible for the environment in the larger sense. CAZG's mandate is wild animal preservation with a focus on *ex situ* conservation. Since 1994 the Chinese Zoo Association has been sending delegations of sometimes as many as eight people (more than any other developing country) to participate in international zoo conferences.

The association's objectives and activities include publishing scientific and educational books and constructing exhibits and other display facilities; finding and utilizing experts to participate in various activities on animal preservation such as attracting birds to urban areas, rescuing animals, and resource investigation; participating in making and implementing the laws and regulations for animal protection as well as establishing technical standards for zoos; establishing breeding facilities for endangered animals (a facility has already been established for the giant panda in Chengdu, for the endangered South China tiger in Suzhou, and for black-faced monkeys, takins, golden monkeys, and cranes in other locations); organizing and coordinating research work on animal breeding to make full use of reproductive animals (since the establishment of the China Giant Panda Breeding Technical Committee in 1989 by the association, a number of giant pandas have been bred and workshops and training courses held to further improve the quality of animal husbandry and research); strengthening research on animal pedigrees (CAZG has established international pedigrees for giant pandas, red pandas, South China tigers, black-necked cranes, and red-crowned cranes, utilizing computer software for the management of animal pedigrees provided by the International Species Information System); training managerial and technical staffs (many lectures and training courses have been held in the 1990s, including a veterinary and nutrition training workshop for the care of carnivores); and strengthening cooperation with international organizations and participation in international

meetings and workshops (CAZG represents China at meetings of the Conservation Breeding Specialist Group and the World Zoo Organisation).

In keeping with association objectives, the CAZG secretariat set up a Department of Endangered Species that is responsible for the establishment of endangered species studbooks and the development of endangered species conservation programs. The Giant Panda Breeding Committee, the South China Tiger Conservation Coordination Committee, and the Crane Conservation Coordination Committee have been established under this department. Future plans include continuing to improve and develop breeding programs, technological expertise, and the integration of these programs with *in situ* conservation strategy.

CAZG has a very small core office staff administered under the Ministry of Construction's Garden Bureau. CAZG has no authority over Chinese zoos, acting strictly in an advisory capacity. However, it can put pressure on individual zoos through its connections within the Ministry of Construction. Facilities that ignore the recommendations offered through CAZG can be pulled up by a letter from the ministry strongly encouraging them to comply. In such instances, the association has occasionally requested the Conservation Breeding Specialist Group to write directly to the minister urging that all zoos should accept the recommendations.



Japan

Articles of Association Japanese Association of Zoological Gardens and Aquariums

Articles of Association Japanese Association of Zoological Gardens and Aquariums

Chapter 1. General Provisions

Article 1. The Association shall be named Japanese Association of Zoological Gardens and Aquariums.
(office)

Article 2. The Association shall be located at Parkside Building 7th Floor, 13-2 Ueno 2-chome, Taito-Ku, Tokyo, 110, Japan

Chapter 2. objectives and Activities (Objective)

Article 3. The objective of the Association is to enhance and promote the activities of zoos and aquariums with the cooperative efforts of related organizations.

(Activities).

Article 4. The Association shall implement following activities to achieve the objective described in Article 3.

1. Perform research on zoos and aquariums.
2. Hold research group meeting and seminars.
3. Make adjustments in fish, wildlife and aquatic animal collection and assist natural conservation.
4. Publish bulletins, periodicals, and academic publication.
5. Cooperate with museums. and related organizations.
6. Provide to the public technical and other information on zoos, aquariums, and protection and breeding of fish, aquatic, and wildlife animals.
7. Perform other activities necessary to achieve the objective.



Hong Kong

Hong Kong Laws related to animal operations in Ocean Park Corporation

(Compiled by Suzanne Gendron, Curator)

1) Cap 388 Ocean Park Corporation Ordinance (1987)

- all OPC operations need to be complied with this ordinance

2) Cap 139 Public Health (Animals and Birds) Ordinance (1994)

- regulating the protection and safety of the public at places where wild animals and wild birds are exhibited; the penalties

- supplementary regulations include:

- a- Code of standards for licensed animals and birds exhibitions (in AFLSK 23/4 revised in 1998)

- b- Code of standards for the keeping of marine mammals: Facilities and operating standards (1996)

- c- Public Health (Animal and Birds) (Keeping of cattle, sheep and goats) Regulations - Subsidiary Legislation (1992)

- d- Code of standards for the keeping of giant panda (1999??)

3) Cap 169 Prevention of Cruelty to Animals Ordinance (1996)

- regulating the animal welfare in animal keeping facilities

- supplementary regulations include:

- a- Prevention of Cruelty to Animals Regulation - Subsidiary Legislation (1996)

4) Cap 187 Animals and Plants (Protection of Endangered Species) Ordinance (1996)

- regulating the restriction on import, export and possession of scheduled species, controlled medicine and highly endangered species

- licensing for endangered species and offences committed for commercial purpose

- scheduled animal list updated continuously supplementary regulations include:

- a- Animal and Plants (Protection of Endangered Species) (Exemption) Order -Subsidiary Legislation (1 996)

5) Cap 170 Wild Animals Protection (1980)

- to make provision for the conservation of wild animals e.g. hunting, etc.

6) Cap 529 Veterinary Surgeons Registration Bill (1998)

- to provide for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons, the disciplinary control of the professional activities of registered veterinary surgeons and for matters related to such registration and disciplinary control (cited in bill)
- supplementary regulations:

a- Code of Practice for the Guidance of Registered Veterinary Surgeons

7) Cap 421 Rabies Ordinance (1997)

- to provide for the prevention and control of rabies and related matters
- supplementary regulations:

a- Rabies Regulation -Subsidiary Legislation(1996)

b- Rabies (Declaration of Places Prohibited to Animals) Order -Subsidiary Legislation (1995)

8) Cap 354 Waste Disposal Ordinance (1997)

- to provide for the control and regulation of the production, storage, collection and disposal including the treatment, reprocessing and recycling of waste of any class or description, the licensing and registration of places and persons connected with any such activity, the protection and safety of the public in relation to any such activity, the protection and safety of the public in relation to any such activity and to provide for matters incidental thereto. (cited in ordinance)

- supplementary regulations:

a- Waste Disposal (Livestock Waste) Regulations - Subsidiary Legislation (1996)

9) Cap 137 Antibiotics Ordinance (1995)

- to regulate the possession and supply of antibiotics (to our animals)
- supplementary regulations:

a- Antibiotics Regulations - Subsidiary Legislation (1996)

10) Cap 134 Dangerous Drugs Ordinance (1996)

to control the import, export, possession, procuring, supply and manufacture of dangerous drugs

11) Cap 138 Pharmacy and Poisons Ordinance (1995)

- to control the sales, supply, transport, manufacture and storage of poisons drugs
- supplementary regulations:

a- Pharmacy and Poisons Regulations-Subsidiary Legislation(1995)

12) Cap 303 Radiation Ordinance (1996)

- to control the import, export, possession and use of radioactive substances and irradiating apparatus and the prospecting and mining for radioactive minerals and for purposes connected therewith (cited in ordinance)

- related to our use of x-ray machine for animal treatments in park; concerning personnel safety and licensing

- supplementary regulations:

- Radiation (Control of radioactive substances) Regulations - Subsidiary Legislation (1996)