

FURTHER INFORMATION ON
IVORY TRADE CONTROLS IN THAILAND

CITES Secretariat
February 2013

1. This report has been prepared by the Secretariat.

Background

2. As reported in the present document, the Secretariat undertook a first mission to Thailand in October 2012 to conduct a preliminary assessment of measures implemented in Thailand to regulate its domestic trade in ivory effectively. Following this mission, the Secretariat provided a preliminary assessment to Thailand to assist it in its efforts to fully implement Resolution Conf. 10.10 (Rev. CoP15) and the *Action plan for control of trade in elephant ivory*. Thailand confirmed its willingness to receive a second mission of the Secretariat at the end of February 2013 to conduct a further assessment of its ivory control measures. The Secretariat undertook the mission from 21 to 27 February 2013. The present report summarizes the findings of this second assessment mission for consideration by the Standing Committee.
3. The legal internal trade in ivory in Thailand is supplied only by raw ivory coming from male domesticated Asian elephants, the tusks are cut off on a more or less regular basis and are also harvested from males that died of natural causes. This raw ivory can be moved to wholesalers and/or carvers for processing. Worked ivory items, which are usually small, are then retailed in stalls and shops in several places in the country. There is also a market for pairs of whole tusks for decorative purposes. Only sales for the domestic market are allowed. The import, export and re-export of all ivory specimens are prohibited.
4. The Secretariat was pleased to note that a number of important measures have been implemented, are in the process of being implemented or are foreseen to be implemented in Thailand to more effectively regulate its domestic ivory trade. These measures include the following:
 - i) "Ivory trade" is one of 13 business types in Thailand which must be registered under the Commercial Registration Act of 1956 of the Ministry of Commerce Law. All 'ivory traders', including retailers, wholesalers and carvers, are required to register their businesses with designated local offices throughout the country. A total of 155 ivory traders have now been registered under the Commercial Registration Act of 1956 of the Ministry of Commerce Law (compared to 67 registered traders at the time of the 62nd meeting of the Standing Committee in July 2012). The Department of Business Development (DBD), responsible for registration of ivory traders, created an online database of these. This database is currently being populated with details of registered traders. Thailand undertook to finalize the process of registration of ivory traders by 30 June 2013.
 - ii) The Department of Livestock Development (DLD), responsible for treatment of domestic elephants with diseases, the movement of live elephants and issuing permits allowing the movement of raw ivory from domestic elephants in Thailand between provinces, is drafting new rules on the marking of the raw ivory destined for the domestic market. These should come into effect before September 2013. The Secretariat has advised the Management Authority of Thailand to implement a marking system that will require the ivory to be marked immediately when it is harvested from the domestic elephant, rather than when an application for a transport permit is received, and suggested to use self-destructive (tamper-proof) stickers in addition to the envisaged punch-dies and marks.
 - iii) The Department of National Parks, Wildlife and Plant Conservation (DNP), which is the CITES Management Authority, intended to conduct a survey of all stocks of raw ivory in possession of elephant owners and ivory traders in cooperation with the Department of Provincial Administration (DPA) (Responsible for registration of domestic elephant ownership, births and deaths). Due to current legislation, such a survey was not possible and DPA advised DNP to take this matter to cabinet, for relevant legislation to be implemented. DNP indicated to the Secretariat that it will pursue this matter further. The Secretariat encourages Thailand to ensure that legislation is in place that would allow such inventories and verification of raw ivory in possession of traders and elephant owners.

- iv) In response to recommendations made by the Secretariat during its mission in October 2012, Thailand has developed colour-coded registers. In compliance with the domestic ivory trade accounting system that is being implemented, a raw material account, manufacturing account, product account, raw ivory records and manufacturing records must be maintained. The different registers developed for maintaining these accounts can be easily identified through the colour coded system. Each register, which also has its own unique serial number, will be used by ivory traders to record data as required for the different accounts. This represents a significant improvement over the system of loose documents on which ivory traders previously recorded such data. These registers are being distributed to all ivory traders to ensure that record keeping will be done in standardized official registers. DNP, together with other relevant departments, is organizing workshops for ivory traders to introduce and promote the new control system.
- v) DNP plans frequent inspections of all ivory traders to ensure that they comply with the regulations for domestic ivory trade. The new system will in the opinion of the Secretariat be effective only if staff from the departments involved are fully aware of their role and function with regard to the new system. The Secretariat recommends that legislation should be strengthened to empower DNP officials to enter and search premises and to seize any evidence of an offence, including of course ivory. It will be important for authorities to implement a zero tolerance policy in cases of non-compliance.
- vi) Adequate legislation or regulations that will provide for the suspension or revocation of licences where ivory traders or elephant owners violate applicable regulatory systems must be implemented.
- vii) The Wildlife Conservation Act and Elephant Act are currently in a process of amendment. The Management Authority indicated that this is a time-consuming process which must be done in compliance with the Constitution of the Kingdom of Thailand. It is recommended that authorities set clear time frames for steps to be taken to ensure that this process can be finalized expeditiously. The sample CITES Legislation Plan could be a useful model in this regard. These legal reforms will require strong political support and formal, clear commitments in this regard would be an important consideration.
- viii) In October 2012, DPA indicated that the process of listing the African elephant as a “protected species” under the existing Wildlife Act would be finalized by December 2012. This has not happened to date because the National Wildlife Board, which must approve this listing, has expired and a new Board has to be established. DPA ensured that the listing of African elephant would be a priority for the new Board. Current legislation prohibits domestic trade and possession of specimens of African elephant for commercial purposes, including ivory and products thereof. The listing of the African elephant as a “protected species” under the existing Wildlife Act, would ensure stricter penalties and controls, including for individuals found in illegal possession of specimens of African elephants, and the urgent finalization of this process is encouraged.
- ix) Since mid-2012, DPA has developed a comprehensive database, known as the Draft Animal Registration System, to record detailed information on domestic elephants. This database is currently being populated with data collected by 928 DPA registration offices throughout the country. 2,630 domestic elephants have to date been recorded in the database. It is foreseen that all domestic elephants will have been recorded by the end of May 2013.
- x) DPA has fully revised the elephant identification certificate that is currently used as a ‘passport’ for each individual domestic elephant. A new elephant identification book has been developed which contains very detailed information on individual domesticated elephants, including pictures of the elephant from different angles. This new elephant identification booklet will systematically be implemented and all old elephant identification certificates will be phased out. The booklet is linked to the DNA database indicated above, and makes provision for a section where DNA database related data can be recorded.
- xi) In accordance with current legislation, newborn domestic elephants must be registered when they reach maturity at the age of 8 years. DPA has however distributed an administrative Letter of Order encouraging the registration of newborn elephants within 90 days. Although registration of an elephant below the age of 8 years is still not compulsory, information suggests that elephant owners increasingly register new born elephants voluntarily since such registration holds several benefits for them. It is recognized that changes of the domestic elephant numbers in Thailand through birth or death need to be more strictly recorded and controlled, and that relevant rules and applicable penalties are outdated and insufficient. There is a commitment in DPA and other agencies to improve upon this situation.

- xii) DLD leads a microchipping programme for domestic elephants. It is estimated that 95% of all domestic elephants are currently microchipped. DLD also developed a DNA database for domestic elephants (*inter alia* to verify parental relationships between live elephants and to incorporate individual DNA profiles in the identification booklet mentioned above). DNA samples have been collected from approximately 2,000 domestic elephants to date. Further to this, DNP has established a DNA database for wild elephants and the DNP laboratory is able to distinguish between Asian and African ivory and to determine the place of origin of wild elephants and ivory from wild elephants within Thailand. Although the DLD and DNP projects are still relatively new, the Secretariat believe that the resulting DNA databases will significantly contribute to Thailand's ability to combat illegal live elephant trade and illegal trade in ivory.
 - xiii) The regulation of domestic ivory trade in Thailand is quite complex in the light of the fact that five different departments are involved in the process. A National Thai CITES Committee was established and the Director Generals of the different departments responsible for the regulation of domestic ivory trade and the control of live elephants are represented on this committee, which meet at least once every three months. The Secretariat believes that Thailand should consider a more integrated system for regulating and controlling its domestic ivory trade, which will facilitate an increasingly coordinated and structured implementation of the system.
 - xiv) International collaboration to identify the actors and illegal trade routes involved in large confiscated shipments is ongoing on an *ad hoc* basis and room for improvement exist. The use of specialized investigation techniques, such as controlled deliveries, to facilitate the investigation of criminal group members along the entire crime chain to the fullest extent possible, seem to be limited. Law enforcement authorities in Thailand are encouraged to increasingly use specialized investigation techniques, as appropriate.
 - xv) Information suggests that illegal trade in live elephants continues to exist between Thailand and some of its neighbouring countries, and more frequent, collaborative and efficient border controls to verify movements of live elephants as well as illegal ivory would be desirable. The Secretariat believes that the new measures being implemented within Thailand, as described in the present report, can play an important role in this regard. Strong deterrent penalties should be imposed on those found to be involved in the illegal trade.
 - xvi) DNP informed the Secretariat that it intended to construct a new storehouse for confiscated ivory. The Secretariat learned that some seized ivory disappeared from current holding facilities in Thailand and believe that this is a timely initiative.
 - xvii) The Secretariat is aware of reports suggesting that the amount of worked ivory being offered for sale in Thailand may be too large to come from the limited stocks of raw ivory that are legally available from domesticated male Asian elephants. This would suggest that ivory from outside Thailand, and presumably from African elephants, is smuggled into the country for carving and further retail under the disguise of the legal market. These allegations need to be carefully investigated along the entire ivory trade supply chain, from live elephants to raw and semi-worked ivory to carved items, using all the tools and control mechanisms that are being deployed as described above, combined with frequent verifications using forensic techniques. While Thai authorities informed about occasional, unannounced controls of ivory retail outlets and regular checks on live elephants, these actions seem rather disjoint and not sufficiently harmonized or integrated to obtain full transparency of the ivory supply chain.
5. A number of activities are currently being undertaken to develop and implement a system to more effectively regulate the domestic ivory trade in Thailand and to better combat illegal international trade in ivory. Significant efforts are made to educate relevant staff and traders with regard to this new system and the Secretariat believes that continued outreach and capacity building for all stakeholders, from ivory traders to staff responsible for verifications and controls, remains vital. The Secretariat is further of the opinion that more could be done to ensure that there is efficient control of all the raw and semi-worked ivory in Thailand's domestic market. It should be noted that the current measures to regulate raw ivory in the possession of elephant owners and ivory trades are not yet fully adequate. For example, although a permit is required for the movement of raw ivory from one province to another, there are limited provisions for movement or trade of raw ivory within provinces. The new elephant identification book, which makes provision for the recording of all business records and any harvesting of or trade in ivory from domesticated elephants, combined with strict recording of changes in characteristics of the elephant and its tusks, the marking of all raw ivory harvested from domestic elephants, thorough record keeping through the ivory

accounting system, and the possibility to use DNA-identification tests, could significantly contribute to better controls over raw ivory and worked ivory in the domestic ivory trade system.

6. The Secretariat believes that there is good momentum in Thailand for the development and implementation of a number of initiatives to strive towards a system that will enable a well-regulated and well-controlled domestic ivory market, able to prevent or minimize illegal trade in live elephants and the laundering of illegal ivory into the legal domestic ivory trade system. The system is however still in an implementation phase and needs to further prove its ability to fully achieve this objective. For this reason, the Secretariat believes that it would be appropriate for Thailand to develop a step-by-step action plan between CoP16 and SC65, indicating milestones, targets and timeframes.
7. The Secretariat would like to express its sincere appreciation to the United Kingdom of Great Britain and Northern Ireland for the funds provided, which enabled it to undertake this mission.
8. The Secretariat would also like to express its sincere appreciation to the Department of National Parks, Wildlife and Plant Conservation, which is the CITES Management Authority of Thailand, for the arrangements that were put in place to facilitate its mission.