

Illegal Trade in Live Asian Elephants: a review of current legislative, regulatory, enforcement, and other measures across range States.

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Introduction

Rationale

The objective of this research was to conduct a review of current legislative, regulatory, enforcement, and other measures and initiatives in place in Asian elephant range States, to address or prevent illegal trade in live Asian elephants (*Elephas maximus*), and to report the findings to CoP17.

The Standing Committee, at its 65th meeting (SC65; Geneva, July 2014), agreed that the Secretariat, pending the availability of external resources, would conduct a review of the implementation of Resolution Conf. 10.10 (Rev. CoP16), in particular the trade in live elephants, in Asian elephant range States and other relevant Parties, and report its findings at the 17th Conference of the Parties (CoP17; Johannesburg, 24 September-5 October 2016).

The Decision was based on discussions at SC65 of document SC65 Doc. 42.9 (“Reporting on trade in and registration of live Asian elephants”, submitted by Greece on behalf of the European Union and its 28 Member States): Concerning trade in live elephants, Resolution Conf. 10.10 (Rev. CoP16) “*RECOMMENDS that all elephant range States have in place legislative, regulatory, enforcement, or other measures to prevent illegal trade in live elephants.*”

Methodology

The review proposed to collect information from the 13 Asian elephant range countries (Bangladesh, Bhutan, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, Myanmar, Nepal, Sri Lanka, Thailand, and Viet Nam). Both the Secretariat and the consultants made timely contact with all 13 range countries, and attempted to set up meetings in the respective countries. Face-to-face meetings were held with government officials and other organizations in nine countries, a number of telephone interviews were conducted and one country submitted a written response. Bangladesh and Cambodia did not respond in sufficient time for an in-country review, and did not provide written responses.

In order to ensure some uniformity of areas covered across each country, semi-structured interviews were conducted using a questionnaire covering areas including general information on wild and captive elephant populations in country, captive elephant registration, problem elephant management, trade, legislation, and enforcement. The questionnaire was sent to the government representatives of all range countries in advance of the scheduled interviews.

Interviews were conducted with responsible government agencies representatives including CITES Management Authorities, relevant Ministries and relevant enforcement agencies. Information was also sought from relevant stakeholders, including local and international non-government organisations, independent experts and academics, and intergovernmental organisations.

This report covers the illegal trade, and relevant related issues, across all 13 range States. However, as a result of time constraints and access to officials and other experts, an in-

depth study of of the issues was not practicable, but this reports serves as an overview of the main areas of concern in regards to the illegal trade of live Asian elephants.

Parties may consider the need for a more systematic assessment of identified areas of concern, in particular assessing improved enforcement of wildlife laws that enforce the Convention, and improved implementation and management of captive elephant population registration and monitoring systems.

The depth quality of information obtained varies from country to country. In some cases, one or two officers were present for the meeting, in others numerous agencies and departments were present to provide information from a number of perspectives. It is also acknowledged that a complete comprehension of the national situation was not possible during the time available. Parties are therefore invited to submit corrections for any future study.

The consultants would like to express their gratitude for the cooperation of all those who provided information and assistance towards this review.

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Humane Society International

International Union for Conservation of Nature

TRACE Wildlife Forensics Network

Traffic International

Wildlife Conservation Society

Asian elephants

Asian elephants are found in 13 range countries with nearly 60% of the population being present in India. Other countries with relatively large populations are Myanmar, Sri Lanka, Thailand, Malaysia, and Indonesia. Smaller populations are found in Cambodia and Lao PDR. The countries of Nepal, Bangladesh, Bhutan, China, and Vietnam have very small populations numbering a few hundred or fewer. While the Asian Elephant population is estimated to be 30,000 to 50,000, in most cases this estimate is not based on sound data and is largely compiled from historic reports. These reports are based on estimates or in a few cases based on coarse population sampling methods. Even in countries with

supposedly sound estimates, very few areas have been sampled using rigorous sampling methods.

Approximately 14,000-15,000 of the world's Asian elephants are living in captivity, representing at least 25% of the entire Asian elephant population, and the reality is likely to be higher. The largest single population of captive elephants is in Myanmar and numbers about 6,000 individuals.

All 13 Asian elephant range countries have a captive population. However, the numbers, uses, and requirement for captive elephants differ from country to country. While some uses of captive Asian elephants have become obsolete, other uses are increasing, predominantly in tourism, but also for elephant-back patrols to monitor protected areas or to mitigate Human Elephant Conflict (HEC). Within Asian range countries captive elephants are managed in a variety of environments; their ownership and management is by government agencies, commercial organizations (e.g. tourist resorts, circuses), religious institutions, and private individuals. They are used for a variety of purposes: for practical work, e.g. logging, transportation, patrolling, HEC mitigation, and for entertainment activities and education.

Historically, logging was one of the most locally important economic uses of captive elephants in Asia. Today, due to a ban on logging in several Asian countries, the use of elephants for this type of work has considerably diminished. As fewer Asian countries rely on logging elephants, there is an increasing threat of illegal trans-border movement of captive elephants from countries where there is no more employment for these animals to countries that demand elephants for their burgeoning entertainment industries.

As elephants may live for over 50 years, it is likely that captive elephant populations will remain for many years in the future, even without adding large numbers of new animals to the existing captive populations. It is therefore essential that long-term strategies addressing the need for and care of captive elephants be developed.

Table: Current estimated numbers of wild and captive Asian elephants across Asian elephant range States.

Country	Wild	Captive	Total ¹
Bangladesh	250	100	340-350
Bhutan	500	9	509
Cambodia	1000	100	1100
China	230-280 (221-245) ²	200 ³	421-480
India	30,000	3600	33600
Indonesia	1724 (1300-1500) ⁴	498 ⁴	1798-2222
Lao	300-800	446	746-1246
Malaysia	Peninsular M: 1223-1677; Sabah 1100-1600	40	
Myanmar	2000	5634 + 500	7934-8134
Nepal	135-250	216	351-466
Sri Lanka	5600	250	5850
Thailand	3200	3444 ⁵	6644

¹ Except where otherwise stated, all data on elephant numbers was provided by official representatives during the course of research for this review.

² Zhang L, Dong L, Lin L, Feng L, Yan F, Wang L, et al. (2015) Asian Elephants in China: Estimating Population Size and Evaluating Habitat Suitability. PLoS ONE 10(5): e0124834. doi:10.1371/journal.pone.0124834

³ This number is likely to include African elephants

⁴ Information provided by Indonesia Mahout Communication Forum

Vietnam	100	70	170
Total	46929-48981	15107	62036-64088

Risk/Threats

The changes in use and demand described above, also create an environmental where illegal trade in Asian elephants is likely to increase. Asia remains a major market for legal and illegal trade in live elephants, as well as elephant ivory and other wildlife products. While the international ivory trade continues to dominate international attention and resources, the local demand (nationally) and regional demand (within Asia) for live elephants is sufficient to adversely affect many populations, due to the low numbers of elephants where illegal trade takes place. In addition to live elephants, illegal trade also involves elephant products such as ivory, tail hair, tails, molars, skin, and meat. One of the biggest challenges for enforcement is the porous borders between most range countries that do not allow monitoring or regulation of the movement of live elephants. Weak law enforcement infrastructure and capacity, limited resources, and lack of political will allow poaching, illegal captures, and illegal trade in live elephants, ivory, and elephant products.

⁵ This number does not include elephants under 8 years of age, which are not required to be registered

Key Findings

1. Illegal trade in live elephants continues, but tangible evidence is lacking

The illegal trade in live elephants, both from the wild and from captive populations, continues across range States. The key driving factor for such trade is increasing demand from tourism in a number of countries including but not limited to Asian elephant range states. It is important to recognize that unlike other wildlife crimes, the elephant tourism industry involves not only demand for elephants to move to tourism centers, but an increase in tourists travelling to existing elephant entertainment centers.

In some situations the illegal movement of already captive elephants moving to an area of employment is not seen as a conservation threat and therefore not an enforcement priority although it is a violation of CITES regulations. However, ignoring this movement of elephants can in turn encourage illegal trade. It sends the wrong message to field staff that such illegal issues can be allowed because there is no threat to wild elephant populations. Yet there are currently no studies on the impact of captures and elephant trade.

Interviews with some officials revealed some misinterpretation of the basic premise of “trade” under CITES, whereby certain import and export was not considered trade since it did not involve a financial transaction.

Many national officials spoken to acknowledged that some degree of illegal trade takes place. But such acknowledgement was accompanied by the acceptance that monitoring illegal trade, particularly in border area, is beyond the capacity of law enforcement, and also that the trade is low in volume, with the implication that it was therefore not worthy of significant attention. Comments to the effect of “there is illegal trade but not very much” were often relayed during meetings with officials. Clearly, the trade in live elephants is unlikely to be of the same volume as other commonly encountered wildlife trades. Similarly, detection is unlikely to be made by Customs officers at port locations, as it is with commodities such as ivory or pangolins. The differences in the dynamics of the illegal trade in live elephants is under appreciated. Much needed pro-active investigation of allegations of illegal trade is not taking place.

It would also appear that apparently legal CITES certified trade of Asian elephants is in contravention of the Convention. The main use of elephants is for commercial entertainment facilities, such as circuses, yet the majority of trade has been for such use. There is a need for importing Parties to stringently check that the purpose of importation is permitted under the Convention.

2. Laws relating to elephants are not adequately enforced

The majority of the Asian elephant range country representatives interviewed felt that their national wildlife legislation is adequate and, if properly enforced, could deter illegal trade. However, some jurisdictions have several laws (one State has seven national Acts relating to elephants) which may result in confusion and result in issues of Ministerial responsibility for prosecutions. Harmonization of relevant, current legislation would ensure clarity for the

public, enforcement officers and prosecutors. Arguably, lack of effective investigation and enforcement of existing laws is a primary reason why the illegal live trade of elephants still exists in Asia.

While some countries have specific legislation to enact CITES rules governing trade, other countries mentioned the need to revise their legislation to adequately adopt CITES measures. In some instances, legislation does not appear to acknowledge the fact that as a party to CITES the country legislation should have the ability to enact and adopt measures to implement the CITES treaty.

For the majority of range countries in Asia, elephants have the highest level of protection under their wildlife legislation, and most laws do not distinguish between wild or captive elephants. Only Thailand makes a legal distinction between wild and captive elephants which are afforded differing levels of protection and are managed under different Ministries.

Some range countries allow trade in captive elephants within country; this likely has a bearing on international illegal trade from those same countries if adequate regulatory mechanisms are not in place.

3. Registration systems are outdated and insufficient to prevent illicit trade

Most range countries in Asia have formal or semi-formal registration systems to monitor their captive elephant populations. Most systems however include flaws, which combined with ineffective enforcement means there is currently no system in place to confidently determine the origin of elephants in captivity and ensure that no wild elephants enter the captive elephant market. On the contrary, it is likely that wild elephants are laundered into captive populations either calculatedly or opportunistically.

The registration of captive Asian elephants in most countries primarily involves the use of a simple database that includes basic biological information on each individual elephant (e.g. gender, approximate age, place of origin, accurate or estimated height, accurate or estimated weight, body condition, distinguishing characteristics, size and condition of tusks, any reproductive information, etc.). If the elephant was captured, date and capture site should be included. If the elephant is captive born, parentage information should be recorded at the time of registration. Some registration systems include photographs of the elephant as well as basic information about the use of the elephant, owner, and location (current and previous) of the elephant. As certain information may change over time, periodic renewal or updating of the registration is necessary. Such updates to the registration are often lacking in most range countries.

A registration database should be readily accessed and analyzed across all range countries. Registration in some Asian range countries also includes the use of microchips and/or other tamper-proof mark to help positively identify each individual elephant. Microchips allow for a quick and easy check of an individual's identity. However, microchips can be transferred to other elephants and they require readers to be available in order to scan the animal's microchip.

Branding or tattoos are a long lasting visual identification method that can be effective. There have been concerns about elephant welfare during the branding process. Brands on

an elephant could potentially be modified. Tattoos are used in other species as a means for permanent identification but have not yet been trialed in elephants.

Where microchips or other forms of tamper-proof identification marks are used, there is a need to standardize systems of use and provide training across range countries. This is still lacking. It is recommended that an elephant be registered no later than 6 months after birth.

Limitations to the captive elephant registration systems in Asia include:

- Poor implementation in countries that allow private ownership as not all privately owned elephants are registered.
- Inadequate resources, instruments (i.e. microchip readers), and limited access to the owner documentation and/or a central database.
- Low capacity of field staff to assess the validity of owner documentation and positively confirm the identity of an elephant.

It has been noted previously, that there is a need for a DNA registration system for all non-wild elephants across Asia. This is arguably a method of identification that is not vulnerable to mis-identification, tampering of the identification mark, or changes to registration documents. The DNA of an elephant cannot be changed. In addition, DNA would resolve with a high level of certainty, issues related to disputed parentage. The wildlife forensics organization TRACE reports that it has developed an affordable, relatively straightforward technique for obtaining DNA profiles from elephants and is in collaboration with the Department of National Parks in Thailand. It would seem appropriate to explore the feasibility of a regional DNA registration database.

4. National responsibility for elephants is shared amongst a number of agencies

While the Ministries and Departments directly responsible for enforcing wildlife laws are generally aware of the need to address illegal trade - in live elephants or elephant products - under the country legislation, they have less information on the need for measures to adequately implement CITES trade regulations.

Further information would be needed to evaluate how to improve enforcement of wildlife trade laws and regulations in the range countries. Information on requirements to improve enforcement, which was not collected during this review, includes the following:

- Providing enough staff in areas of concern
- Providing training for staff in all methods and instruments to monitor captive elephant movement;
- Access to and availability of instruments
- Access to registration data and feedback provisions;
- Knowledge of wildlife laws, in particular of those governing wildlife trade.

Range countries stated they have limited capacity to enforce their country's wildlife laws, and adequate collaborations with various other government agencies in country to enforce these laws. Some countries stated that wildlife crime is also mentioned in the country's Penal Code, thereby providing additional enforcement. Several countries mentioned they had a good legal framework but sometimes the political will hinders the enforcement of existing regulations regarding illegal trade.

Only a few of the countries stated their international collaborations with neighboring countries and international law enforcement agencies were effective in addressing and investigating illegal cross-border trade in live elephants.

Government wildlife staff may not be fully aware of CITES regulations and expectations – from both a regulatory and enforcement perspective. There should be a consideration from CITES to provide better or more frequent awareness raising opportunities to range countries about expectations from these countries as government staff changes and information transfer within the different governmental agencies seems to be lacking.

It was generally agreed that the main constraints in enforcement are: limited budget, insufficient staff, limited capacity, limited cross-sector and transboundary collaborations, etc. There is a concern that the demand for wildlife, including live elephants, is growing in range countries and consequently wildlife and their parts are traded by illegal ways and means. Such illegal schemes have strongly backed finances and manpower and are using modern information distribution techniques. In order to reduce the above mentioned constraints, there is an urgent need to strengthen staff, funding, materials, capacity, data, information sharing, collaboration with public and related organizations, and improve international collaborations. Another important challenge for combating illegal wildlife crime is the security problem, particularly in border areas where law enforcement is very weak and often wildlife officers are killed in the line of duty.

5. Excessive populations of former labor-elephants present potentially overwhelming challenges

Currently in Asia there exists a scenario of an increasing captive elephant population. Large numbers of elephants in this population are former labor elephants with no work in some range countries, yet there are increasing opportunities for employment (i.e. in tourism) in other range countries. This market is seen a major driver behind the increase in illegal trade of elephants across several borders in Asia. As the number of former labor elephants is significant, there is an urgent need for countries to develop strategies to manage these populations suitably. While existing CITES regulations allow for travelling/exhibition certificates which could potentially enable legal cross border movement of already captive elephants with no employment to areas of employment, promoting such transfers may actually create more incentive for illegal captures of wild elephants.

6. Future threats are inadequately researched and strategies to manage them are not in place

As the result of habitat loss and fragmentation, local elephant populations in several range countries may already be facing extinction in the wild. Presently some range countries have a larger population of captive elephants than wild, so in some regions the likelihood of captive elephant populations outliving wild populations seems to be an inevitable part of the future.

With increasingly large numbers of “surplus” elephants the demand for live elephants may escalate as certain sectors (i.e. tourism, entertainment, etc.) seek additional elephants. Increasing demand may also come from countries neighboring elephant range countries. These factors facilitate illegal trade and it is crucial that appropriate regulations be implemented to address the source of trade. Poaching in captive populations could become

more likely as management responsibility diminishes and emerging markets for elephant products appear. The emergence of apparently new trade fads, such as the poaching of elephants for their skin and trunks, are troubling and should be carefully monitored.

National agencies and other stakeholders should adopt measures to pro-actively monitor trade and develop strategies to mitigate future threats that could within months decimate Asian elephant populations.

Country Reports

Bangladesh

Country Summary

There are no more than 200 wild elephants in Bangladesh and many of those elephants move transboundary to India or Myanmar. There are about 90-100 captive elephants in Bangladesh, mainly existing in Maulvi Bazar district and used for logging. Some captive elephants are used by the Forest Department; the rest are privately owned. There have been reports of Bangladesh being a transit for the illegal trade of live elephants coming from India to Myanmar, but those reports could not be verified during the course of this review.

Bhutan

Country Summary

The wild elephant population in Bhutan is found only along the southern border with India. While they face many of the same threats (i.e. Human Elephant Conflict) as in other range countries, those threats are not as significant to the Bhutan elephant population which is generally thought to be increasing. Bhutan manages a very small number of captive elephants (only 9 individuals) and has no formal captive elephant registration system. In fact there is no mention of elephant removal from the wild or captive elephants in Bhutan wildlife legislation. There have been no instances of illegal elephant trade in Bhutan and the legislation, currently in revision, is considered to be adequate. There is currently good capacity in country to enforce existing wildlife legislation and no significant challenges to law enforcement.

Main issues, risks and threats

Elephants are only found in the southern boundary of Bhutan, along the border with India. Many of them move between the two countries. Overall the elephant population in Bhutan is stable, and may be increasing. The main threat is Human Elephant Conflict. As a result of conflict, in past years' local farmers had killed some elephants by using crude electric fences causing electrocution of elephants. Over the past 3-4 years the Forest Department has been proactive in providing proper electric fences to farmers and no further elephant deaths have occurred.

Another threat is habitat loss from development; there is also some poaching although on a small scale.

Wild Elephants

The population of wild elephants in Bhutan has not been surveyed properly yet, but a country wide survey is currently in process and includes dung sampling for DNA analysis.

The population of wild elephants is estimated to be approximately 500, but that number may be increasing.

Captive Elephants

Bhutan has the smallest population of captive elephants in any Asian elephant range country. There are currently only 9 captive elephants in Bhutan. Two of those elephants were found abandoned as calves in Bhutan, the others came from India.

The captive elephants are used by the Forest Department mainly for patrolling, and only in the monsoon season. The elephants are at rest in the dry season.

The Department of Forest and Park Services, under the Ministry of Agriculture and Forests, is responsible for managing the elephant (wild and captive) population in Bhutan.

There is no private ownership of live elephants allowed in Bhutan as they are considered a protected species.

There is no formal registration system of captive elephants in Bhutan and captive elephants are not mentioned in the Forest and Nature Conservation Act. However, each captive

elephant in Bhutan has an individual health book which lists the name, age, gender, any characteristics and any health treatments of the elephant.

There are no challenges with the current monitoring system as the number of captive elephants in Bhutan is so small and all are under the responsibility of the Forest Department.

Management of Problem Elephants

Bhutan does not have a specific policy for problem elephants and there is no mention of problem elephant removal in the Forest and Nature Conservation Act. There are no skills in-country to capture elephants, but if there was a real need the Forest Department may attempt to do so. Elephants are removed from the wild only due to unforeseen activity (i.e. abandoned calves) and this has rarely happened. There were two instances of orphan calves that were found abandoned and brought into captivity. These 2 calves were raised by the Forest Department and are still there. They are part of the number of 9 captive elephants in country. Any elephant removed from the wild remains under Forest Department oversight.

There is also a recent case of one elephant (a male, tusker) that was seized from an illegal logger who came from India. This elephant is now kept in Bhutan. Per Bhutan legislation, “vehicles” used in any forest offence can be seized.

Illegal Trade and Poaching

There have been no incidents of trade in live elephants in Bhutan and the country is not thought to be a source, transit, or destination for live elephant trade.

However, the country is likely both a source and destination for some illegal trade in elephant ivory, and there is a small possibility of it being a transit for ivory trade.

There are no trading routes or hotspots for live elephant trade, but the southern belt of the country including fringe areas of Royal Manas National Park and Gelephu are thought to be routes/hotspots for illegal trade in elephant ivory.

Legislation

The primary legislation governing wildlife issues in Bhutan is the Forest and Nature Conservation Act (1995) which is interpreted as Forest and Nature Conservation Rules. In the Act, elephants are listed as Schedule I, the highest level of protection. Live elephants and their parts cannot be legally traded in Bhutan. Taking protected species is illegal in Bhutan so no private ownership of elephants is allowed. The Act is currently under revision and this revision should be completed by end of 2016.

When violations of the Act are prosecuted, the penalty is primarily a fine with a jail sentence imposed only if the fine cannot be paid. In cases of poaching or illegal trade in ivory, the seized ivory is used to determine market rates which set the amount of the fine. Fines for illegal possession are about US\$1,000-2,000. In addition there is also a fine which sets a monetary amount for compensation of life lost (of the elephant) which is imposed for the illegal killing; the compensation fine is based on the quantity of seized ivory and therefore number of elephant lives lost.

The legislation does not adequately cover current trends so it is being revised. When the revision is completed later in 2016 the legislation will be sufficient.

Enforcement

There is currently good capacity in country to enforce existing wildlife legislation. Forest Protection Surveillance Units investigate when there is a suspicion of illegal activity. The Units collaborate on a national level with Police and Customs Departments, and with the Army. Wildlife crime is also mentioned in the Penal Code of Bhutan so this can be used to enforce prosecution.

Bhutan has a good collaboration with neighbor countries, especially with India and its Wildlife Crime Control Bureau. Bhutan also collaborates with State Forest Departments in India and with the NGO Wildlife Trust of India who help connect them to appropriate agencies in India.

In the past 5 years Bhutan has found and prosecuted 5 cases of illegal ivory trade and no cases of illegal live elephant trade.

It is felt that there are no significant enforcement challenges in Bhutan with respect to illegal trade in live Asian elephants.

Cambodia

Country Summary

Cambodia has a population of wild elephants which may be as few as 200 individuals. Although there is still good habitat left in the country, threats to the wild population include poaching and illegal killing. The captive elephant population in Cambodia is no more than 100 individuals and the majority of those elephants are privately owned.

China

Country Summary

Asian Elephants in China are afforded the status of a wildlife species under national protection at the first (highest) level and shares the same level of protection as African Elephants. China is implementing a number of measures to improve conservation of elephants. Demand for elephants in China is high, due to a high number of entertainment facilities such as circuses.

Main issues, risks and threats

Major threats include habitat degradation, human disturbance, human-elephant conflict and occasional poaching.

Wild Elephants

Elephants in China inhabit the south-west of Yunnan Province, bordering Laos and Myanmar. But elephant habitat is increasingly being used for industry such as rubber and tea plantations, resulting in a 40% decline in elephant habitat in the last 50 years.

China commenced a survey of wild elephants in 2014. The survey, which is due to be completed in 2016 uses a range of measures to monitor elephant numbers including regular monitoring of sample areas. Some student research is used to assess numbers.

Whilst the survey is still ongoing, current findings conclude that the population is between 230 and 280 individuals. A survey in 2000 indicated 150 individuals suggesting that populations are slowly increasing.

Additional field research has been conducted by the Beijing Normal University, which has monitored elephant numbers for 15 years using DNA/dung analysis and satellite tracking. This study has reached similar conclusions on elephant numbers.

Since the 1960s, China has developed nature reserves to support Asian elephant habitat, which are considered to have halt elephant habitat loss and improve the quality of Asian Elephant habitat.

Captive Elephants

There are 47 registered zoos across 26 provinces in China, with a total of 200 elephants, however this figure is likely to include African elephants. China also has a number circuses and other entertainment facilities. Most zoos (and therefore animals kept in them) are owned by government. Whilst elephants in circuses are privately owned, it was stated that it is unusual for elephants to be used in circuses.

The situation regarding the registration of elephants in China was unclear. There is a requirement for owners to register elephants including births, deaths, trade and movements, but such a requirement does not seem to be necessary until a change in circumstances related to the elephant. Whilst births "should" be registered, such a requirement is not law but more subject to regulation and is not a serious matter, nor one that is enforced or enforceable. However, should a zoo want to trade an elephant it would need to register it in order to obtain permission to trade. Owners are required to report deaths of elephants.

It appears that registration relies on voluntary compliance unless it becomes necessary in the interest of the owner. In addition, breeding of elephants is allowed under license but the granting of such a license may be affected by a failure to register elephant births.

Registered elephants are microchipped and details entered onto a database. Two agencies manage databases relating to elephants. The SFA issues licenses for captive elephants but the Association of Zoos/Ministry of Construction also have a database and manage captive breeding.

Demand for elephants exists in zoos, some of which provide entertainment and education, developing awareness of Asian elephants. However, space is said to be limited in existing zoos. Demand also come from circuses which use elephants for commercial shows and entertainment and are increasingly popular in China.

Management of Problem Elephants

The main threat regarding wild elephant management comes from human-elephant conflict. Most HEC occurs due to habitat loss and elephants damaging crops or property. The government deals with the matter through preventative measures such as encouraging farmers to build fences. Where necessary, compensation has been paid for losses caused by elephants with the value of compensation increasing over the years. It is considered that paying compensation helps to alleviate the impact of human-elephant conflict.

Illegal Trade and Poaching

The CITES MA states that all trade data is appropriately reported and would therefore be included through the Elephant Trade Information System (ETIS). In addition, China Customs may hold some data on trade but Customs were not present during the meeting and no information was presented. The SFA had no information regarding illegal trade in live elephants.

The CITES Management Authority has received requests from zoos in China to import elephants from Laos PDR. There is also demand for trade from safari parks.

Trading elephants was described as a complex process. Before an import permit is issued, the trader must apply to the Provincial Forestry Administration Agency. A request can then be submitted to the SFA, and the CITES MA will consult with the Scientific Authority. Checks will be made at every stage to assess the suitability of facilities for keeping the elephants. In addition, the China CITES MA would write to the exporting country to confirm that they wish to issue an export certificate. If the response is positive, a copy of an import certificate would be issued. Essentially, it was implied that the process necessary for importing a live elephant is bureaucratic and multiple checks ensure a carefully controlled process.

One non-governmental source stated that more and more young elephants are being seen in zoos in China, and are likely to be newborns or imported. There is no record or documentation for some young elephants that have been located in captive facilities.

The representatives from SFA were asked about illegal trade in Asian elephants killed for their parts, specifically the trade in skins and trunk, but had no knowledge of such trade and that it did not seem consistent with Traditional Chinese Medicine. They noted that should the Myanmar authorities wish to share information on such trade they would be willing to assist with any investigation.

Information was also obtained regarding a case around six years ago, where some 15 elephants were seized in China, on suspicion that the elephants were used to conceal narcotics. This information and the circumstances surrounding the case are however unverified.

Legislation

China has several articles of legislation that may be used to address offences related to Asian elephants. The most specific legislation is the Law of Wildlife Protection since it specifically lists Asian Elephants as a Class 1 protected animal. No trade, possession or hunting is permitted without a permit from SFA which might only be issued after strict checks. This legislation is currently under review. Offences committed under the Act may incur a term of imprisonment which increase in tiers depending on the severity of the offence. Trade in a single elephant, for example, may incur a sentence of 10 years' imprisonment.

China is currently amending its wildlife and conservation law and also aims to amend policy to develop habitats in nature reserves to develop habitat.

Concern was noted regarding weak enforcement and low penalties in neighboring countries, which may not act as a strong deterrent to wildlife smugglers. It was proposed that legislation and enforcement should be strong across the region.

The SFA did not feel that legislation needs to be strengthened in order to require by law, owners to register the birth of elephants in captivity and that the current regulations were sufficient. In addition, should it be detected that an elephant had been illegally smuggled into China, and laundered into a captive facility, the act of smuggling would be a far more serious offence than failing to register a birth.

Enforcement

China states that they have stepped up patrolling and enforcement efforts, along with awareness campaigns, to prevent poaching and other threats at an early stage.

China cited examples of strengthened cooperation with neighboring countries in an effort to improve cooperation on wildlife crime. In particular, a Memorandum of Understanding has been issued between China, Vietnam and Lao PDR with another planned with Cambodia to take place in 2016. Multi-national, multi-agency training courses have also been conducted, along with site visits to the border to increase understanding of the differences in approaches.

The countries are making use of direct communication, usually by mobile phone, to quickly exchange information and coordinate enforcement responses. Whilst aware of the services provided by INTERPOL and WCO, these were considered to be ineffective particularly at borders where information needed to be shared rapidly. It was also noted that offences such as drug trafficking garner greater attention than wildlife crimes, so an alternative is necessary.

India

Country Summary

India has the largest population of elephants in Asia. The main threat to the wild populations is Human Elephant Conflict. India has a comprehensive registration system for captive elephants and allows private ownership of elephants. The primary constraint to the registration system is the fact that many privately held elephants are not properly registered, and follow-up in changes of status of elephants or owners are not always implemented. While India has existing policies to remove problem elephants from the wild, it is also thought that illegal captures persist, but the scale is considered low. India is known to be a source for the illegal trade of live elephants, both out of country and within the country, but no cases have been prosecuted. Most of the elephants being traded illegally are already captive and have no employment. Overall wildlife legislation in India is good and the capacity for enforcement is also sufficient. Lapses in enforcement of existing laws are the primary reason why illegal live trade of elephants still exists in India.

Main issues, risks and threats

India has the largest population of elephants in Asia. The populations occur in southwest and south-central India and in the north and northeastern part of the country. A smaller population is found in central India. The populations of wild elephants in India are generally healthy and numbers are slightly increasing. The main threats to wild elephants are due to Human Elephant Conflict and retaliatory killings.

There is no significant threat to the captive elephant population.

Wild Elephants

In India the wild elephant population is counted every 5 years, the next country-wide count will be in 2017. There are approximately 30,000 wild elephants in India and that number appears to be slightly increasing.

Captive Elephants

There are approximately 3,600 captive elephants in India. This number is based on a one time count via registration of government owned elephants and a reasonably known number of privately owned elephant.

The uses of captive elephants in India include:

In the Forest Department - patrols, conflict mitigation, tourism

In private ownership - social functions, support of conflict mitigation, labor

In temples and zoos – display.

The State Forest Departments, under the Ministry of Environment, Forest and Climate Change, are responsible for managing elephant (wild and captive) populations in India.

India allows private ownership of elephants. Private owner certificates are issued by the State Chief Wildlife Wardens. Private owners were not consulted while developing the formats of the owner certificates; these were developed by the State Forest Departments.

India has a formal registration system for captive elephants. The registration was developed by the Ministry and guided by the Wildlife Protection Act of 1972, with input from State Chief Wildlife Wardens. There was no other stakeholder input.

Approximately half of the government registered captive elephants in India are microchipped, and there are plans to ensure that all are microchipped. Not all privately owned elephants are duly registered with owner certificates and this needs to be improved. In 2003 an amnesty was provided to allow for owners to come forward and declare their elephants so they could be registered and provided with owner certificates. There is a plan to allow another amnesty period so owners can again come forward with no penalty and register their elephants.

While the Wildlife Protection Act guided the development of the registration system used in India, it does not use the term 'registration'. As added background, further details have been provided as follows:

The Wildlife Protection Act prescribes a system of 'Declaration-Inquiry-Ownership Certificate' which serves the same purpose as that of 'registration'.

- A person in possession of a captive elephant is required to make a declaration to the Chief Wildlife Warden/Authorized Officer of the state in which he is residing within the stipulated period (Section 40).
- The Chief Wildlife Warden/Authorized Officer is required to conduct an inquiry (regarding the legality of the elephant in question) and affix an identification mark on the elephant (Section 41).
- The Chief Wildlife Warden, if satisfied that the person who has made the declaration possesses the elephant legally and has adequate facilities for housing, maintenance and upkeep of the elephant, may issue a 'certificate of ownership' (Section 42).

There are provisions for registration of captive elephants outside the Wildlife Protection Act. For example:

- In earlier times, the Assam Forest Department (NE India) used to 'register' trained elephants (called *kunkis*) offered for use by private contractors participating in elephant-capturing programs. But this system is no longer used after the ban on capturing elephants for commercial purpose.
- All the elephants in India meant for performing in cinema or circus (presently estimated to be around 67) are required to be registered with the prescribed authority under the provisions of the Performing Animals (Registration) Rules (2001) which draw force from the Prevention of Cruelty to Animals Act (1960).
- The Supreme Court issued an order on August 18, 2015, instructing the Chief Wildlife Warden of Kerala (S. India) for 'registration' of all captive elephants in Kerala with the 'district committee'. District committees have been constituted in Kerala in accordance with Rule 10 of the Kerala Captive Elephants (Management & Maintenance) Rules (2012). However, the Kerala Captive Elephants Rules contain no provision regarding registration of captive elephants. Rule 10 does not oblige the 'district committee' to register captive elephants. Therefore, the district committees will have to carry out registration of captive elephants on the strength of the Supreme Court order until the Kerala State Government amends the Kerala Captive Elephants

Rules suitably. This registration is close to completion and may be used as a model for other states with numerous unregistered captive elephants.

The registration of captive elephants by private individuals and/or agencies under any rule or order cannot be used as a substitute for the ownership certificate issued under the Wildlife Protection Act. This certificate remains the ultimate document to establish the legality of an elephant.

The Wildlife Protection Act requires registration only for 'Persons' possessing captive elephants and the State Forest Department is not treated as a Person. Therefore, the elephants owned by State Forest Departments are usually not covered by owner certificates, but while procuring elephants from private individuals and/or agencies, the State Forest Departments do ensure that these elephants are covered by owner certificates. The elephants owned by a State Forest Department are directly controlled by the Chief Wildlife Warden and are managed under departmental rules. These elephants (including new captures) are properly recorded and inventoried like any other government asset and each one is provided with a service book. Almost all the State Forest Departments have microchipped and photographed their captive elephants and recorded vital details (e.g. shoulder height, tusk shape/size, shape of ears and back, etc.). These elephants are fairly easy to monitor. The State Forest Department owned elephants cannot be transferred to private persons/organizations, however, these elephants can be transferred (not sold) to another State Forest Department or to a government-owned zoo. In the past some Forest Department elephants have been gifted by the Government of India to foreign countries (in accordance with the provisions of CITES), but the present government policy is against such gifts.

The Wildlife Protection Act does not prescribe owner certificates for zoo owned elephants, but no zoo can operate in India without recognition from the Central Zoo Authority (CZA), a legal body set up by the Government of India, and no recognized zoo can possess an elephant without approval from the CZA. The CZA insists that all zoo elephants in India be microchipped and the State Forest Departments insist that all privately owned zoos obtain owner certificates for their elephants.

Circuses are also deemed to be zoos under the Wildlife Protection Act. But in practice they don't have the same privileges as zoos. The State Forest Departments insist that all circus elephants should be microchipped and have owner certificates.

All other elephants in India, owned by private owners/temples/tourism agencies, etc. are legally required to have owner certificates.

Tracking privately owned elephants is theoretically possible if the elephants are properly registered (microchipped and in possession of owner certificates) as written permission for moving an elephant is needed from the Chief Wildlife Warden – from both the sending and receiving state if an elephant is being moved to another state. Section 40 of the Wildlife Protection Act stipulates that captive elephants cannot be transferred to another person without prior written permission of the Chief Wildlife Warden. Section 43 stipulates that an elephant owner possessing an owner certificate, if he transfers his elephant to another state, should report to the Chief

Wildlife Warden or Authorized Officer of the new state within 30 days. Section 49 stipulates that no transporter should accept a captive elephant for transport without ascertaining that necessary permission has been obtained from the Chief Wildlife Warden or Authorized Officer. All these provisions of law, if enforced properly, would work effectively for tracking elephants in India. The most obvious enforcement lapse is that a large number of privately owned elephants are still not covered by owner certificates.

There is also a significant gap regarding owner certificates in the Wildlife Protection Act. Section 42 authorizes the Chief Wildlife Warden to issue an owner certificate to a legitimate elephant owner. But neither the Act nor the rules framed by various State Forest Departments provide for periodic renewal of the owner certificates. Thus, the system of registration viz. 'Declaration-Inquiry-Owner Certificate' becomes a one-time affair which remains a handicap in properly tracking privately owned elephants and provides a loophole that is exploited.⁶

Management of Problem Elephants

To manage problem elephants the central government is guided by the Wildlife Protection Act of 1972. The Act does not permit culling/killing elephants for population management or for mitigating crop damage. Even when there is a threat to human life killing elephants is discouraged although it is allowed legally. However the Wildlife Protection Act allows for removal of problem elephants for population management and scientific research. Presently in India some elephants have been captured for the purpose of resolving Human Elephant conflict. Capture can only occur after the Chief Wildlife Warden has requested and obtained permission from the Ministry.

Orphan calves have also been removed when they cannot be returned to their natal herd. Once removed from the wild, elephants remain under the jurisdiction of the State Forest Departments. However, due to significant financial implications, it is difficult for State Forest Departments to manage additional captive elephants. The existing policy does not allow for newly captured elephants to be acquired by private persons/agencies nor is their export allowed to other countries in Asia where there may be a demand.

Illegal Trade and Poaching

India is a source for illegal trade in live Asian elephants. There are currently occasional illegal captures in the country, but there are also many former labor elephants that are unemployed and are illegally traded.

Elephants from India are exported for the tourism industry in southern Nepal, as Nepal stopped capturing elephants about 40 years ago. Further details have been provided as follows:

The illegal trade of elephants from India to Nepal is also supported by lack of employment opportunities for captive elephants in North-East India, Bihar, and Uttar Pradesh, but availability of employment in southern Nepal. There is also a possibility that some of the captive elephants from India are hired for a short period to work in

⁶ Bist, Personal communication, March 27, 2016

Nepal and returned to India at the end of their assignment. It is felt by some agencies that the number of elephants going to Nepal is insignificant and, though a violation of CITES and of the Foreign Trade Policy of India, does not constitute any conservation threat. The Foreign Trade Policy of India does not permit export of captive elephants from India unless for special non-commercial purposes (e.g. scientific purpose or to zoos).

There have been reports about occasional movement of captive elephants from the NE state of Arunachal Pradesh to Myanmar. This is also believed to be due to a lack of employment opportunities for captive elephants in North-East India and a demand for labor elephants in the logging industry in Myanmar. But in recent times the use of elephants in the legal logging industry in Myanmar is declining and there already former logging elephants in that country who have no work, so the demand for elephants from outside Myanmar will likely decline as well.

There are occasional reports of illegal movement of captive elephants between India (mainly the states of Assam and Tripura) and Bangladesh for use in illegal timber harvesting.

Most of the illegal live elephant trade in India is confined within the country. There is demand in states like Kerala (for temples) and Rajasthan (for tourism). There are unemployed elephants in the northern states of Assam, Arunachal Pradesh, Bihar, Uttar Pradesh, as well as in the Andaman and Nicobar Islands. Therefore, there has been a historical exchange of elephants between states in India. But this movement has become illegal because of provisions of the Wildlife Protection Act that earlier permitted registered elephant owners (i.e. owners possessing owner certificates) to sell their elephants and also permitted persons to buy elephants from registered elephant owners with prior written permission from the Chief Wildlife Warden. The Act (Section 43) was amended in 2003, and now the sale of elephants by registered elephant owners is prohibited. The prohibition was intended for species other than live elephants but, due to oversight, no exemption was provided for elephants at the time of amendment. The Steering Committee of Project Elephant had advised the Government of India in December 2003 to amend the Wildlife Protection Act and exempt captive elephants from the restriction imposed under S.43. The Government of India failed to provide any alternative to the elephant owners who cannot afford to keep captive elephants and to the people/agencies who wish to procure elephants for legitimate reasons. S.43 has not yet been amended and elephants continue to be sold illegally.⁷

The main routes for illegal live elephant trade out of country have been the India-Nepal border, the India-Myanmar border, and, to a lesser extent, the India-Bangladesh border. The main illegal live elephant trade hotspot is the state of Bihar, especially the Sonapur Livestock Fair. However, in 2015 the State Wildlife Board of Bihar issued a ban on movement of

⁷ Bist, Personal communication, March 27, 2016

captive elephants in or out of Bihar state. It is too soon to assess the impacts of this ban on the illegal trade of live elephants through the state of Bihar.

There is no legal commercial trade allowed in India, but properly registered elephants with owner certificates can change owners as inheritance or donations. When elephants are transferred, the Chief Wildlife Warden of the state where the elephant permanently resides has to provide written permission. If the elephant is going out of state, the Chief Wildlife Wardens from both the sending and receiving states need to provide written permissions.

The Central Zoo Authority (CZA) can authorize an international zoo exchange of elephants as trade for other species. A zoo interested in exchanging elephants requests approval from CZA, who in turn receives permission from the state Chief Wildlife Warden, then from the central government. Subsequently the CITES permits are submitted.

There is no legal domestic ivory market in India. However India is likely a source for illegal trade in ivory/elephant parts as there was a recent seizure in Delhi of ivory and elephant parts (approx. 400 kg) being sent out of the country. It is possible that India is a transit and destination for the same markets.

Legislation

The primary wildlife legislation in India is the Wildlife Protection Act of 1972 where elephants are considered a Schedule I species, the highest level of protection. In the Act there is no distinction between wild and captive elephants. India has developed Guidelines for Management of Captive Elephants (2008). The Prevention of Cruelty to Animals Act (1960) also helps guide the husbandry and care of captive elephants

There have been no cases of prosecution for illegal trade of live elephants in India. As elephants are a Schedule I animal, the penalties for either illegal trade in live elephants or in elephant ivory/parts are the same: a fine and 3 years of prison for the first offense, thereafter up to 7 years in prison. Additionally private owners can have their ownership certificate revoked and their elephant(s) confiscated for illegally trading live elephants.

The Wildlife Protection Act has no specific provision for CITES rules. An amendment to address this issue is being considered.

Overall wildlife legislation in India is good. A concern is when rules are amended by states and unintentionally create loopholes that can be exploited. For live elephant transfers it is felt that another window of opportunity allowing private owners to legally declare and register their elephant would be helpful to better monitor the country's captive elephant population. However even when an amnesty of up to 6 months was provided in 2003, some State Forest Departments did not properly follow-up and there are still many privately owned captive elephants in India that have not been properly registered and microchipped by the State Forest Departments, therefore it is difficult to monitor number and movement of these elephants.

Enforcement

There is good capacity for enforcement in India. The Wildlife Protection Act empowers Forest Department officials to investigate. The Forest Department also collaborates with the Wildlife Crime Control Bureau (WCCB) and Police Department (state and local) when

needed. While the WCCB has a good capacity for investigation, oftentimes States do not use the Bureau effectively.

There is also good cooperation with neighboring countries using WCCB and INTERPOL to investigate. So far none of the cases in India involving wildlife crime have been live elephant specific

No incidents of illegal trade in live elephants have been prosecuted in India although violations exist.

Lapses in enforcement of existing laws are the primary reason why illegal live trade of elephants still exists in India. The provisions of the Wildlife Protection Act regarding interstate movement of captive elephants are not being enforced properly. Additionally the State Forest Departments generally do not follow any practice of periodic verification of even those elephants which are microchipped and covered by owner certificates, so monitoring the entire captive elephant population and assessing all 'legal' elephants is difficult.

A distinction between a ban on trade and restrictions on trade may be helpful to address some of the reasons for transfer being illegal instead of legal. Addressing the issue of lack of employment of many captive elephants in India is critical to address the legality of transfers of elephants from areas with no employment opportunities to areas with potential employment (e.g. India to Nepal).

Indonesia

Country Summary

In Indonesia elephants are only found on the islands of Sumatra and Borneo (Kalimantan). The Sumatran elephant is the only elephant listed as Critically Endangered on the IUCN Red List (2012). The wild populations are declining on both islands. There is a registration system for captive elephants in Indonesia but no private ownership is allowed. Indonesia has fairly comprehensive wildlife legislation and the illegal trade in live elephants has not been an issue, primarily due to the fact that all captive elephants are always under government oversight. There is good capacity for wildlife law enforcement in Indonesia, and the biggest challenge is that sentences given to violators are too low.

Main issues, risks and threats

Elephants in Indonesia are found only on the islands of Sumatra and Borneo (Kalimantan). The Sumatran elephant population is the only elephant listed as Critically Endangered on the IUCN Red List (2012). The wild elephant population in Indonesia is declining. The main threat to the populations is retaliatory killing due to Human Elephant Conflict. The conflict is primarily caused by habitat loss due to development such as large scale plantations.

Wild Elephants

The wild elephant population in Indonesia has been estimated from a few localized surveys as well as data from Human Elephant Conflict in 2007, and from a Population and Habitat Viability Analysis (PHVA) in 2014.

DNA testing of dung samples has been done for some wild elephant populations in Sumatra, but a country wide comprehensive survey or count has not yet been done.

In 2007 the number of wild elephants in Indonesia was estimated at 2400-2800 (Action Plan). The 2014 PHVA estimated the number at 1724. In 2016 FOKMAS estimated the number at 1300-1500 wild elephants.

Captive Elephants

In 2007 the number of captive elephants in Indonesia was 543 (Action Plan), and in 2016 the number declined slightly to 498 (FOKMA).

In Indonesia captive elephants are used for exhibition, education, research, patrolling, conflict mitigation, tourism, and reproduction.

The Directorate General of Natural Resources and Ecosystem Conservation (KSDAE), under the Ministry of Environment and Forestry, administers the elephant (wild and captive) populations in Indonesia.

There is no private ownership of elephants allowed in Indonesia. All wildlife belongs to the government even if sent out of country. However Indonesian elephants can be loaned to various institutions (i.e. zoos) in or out of country.

Indonesia has a formal registration system for its captive elephant population and many elephants are microchipped. In addition to the government, stakeholders involved in developing the registration system included the Indonesian Zoo Association and LIPI (government research agency). A studbook keeper is designated by the Director General of

BKSDAE and can be a government or non-government entity. Taman Safari Indonesia is the current Indonesian (captive) elephant studbook keeper.

New entries in the registration system are verified by the provincial conservation agency (BKSDA), but some stakeholders do not update or report changes (i.e. birth, death) in a timely and accurate manner. DNA testing has been done on some of the captive elephants, and BKSDA has documentation of the results to date.

The registration system appears to adequately monitor the movement of elephants in Indonesia. Elephant can be transferred in-country and transport permits are needed from both the sending and receiving BKSDAs; all permits are recorded.

Elephants can be transferred out of the country through a zoo exchange with other animals or on a breeding loan. For transfer out of country only F2 animals are allowed to be sent out and the government of Indonesia maintains ownership status of the elephants even when these are abroad.

Management of Problem Elephants

For the management of problem elephants, recommendations in the Strategy and Action Plan of Sumatran and Kalimantan Elephants (2007-2017) and from the Minister Decree on Human Wildlife Conflict Mitigation (2008) are followed. Some provinces have a Governor Decree, for example in Aceh the Establishment and Coordination of Team and Task Force on Human Wildlife Mitigation (2015). While in past years capture was often used to manage problem elephants in Sumatra, currently problem elephants are mainly translocated. Under certain circumstances they may be brought into captivity. Snared/injured elephants and separated/abandoned elephant calves are taken to the government elephant camps.

Illegal Trade and Poaching

Indonesia is not a source, transit, or destination for illegal trade in live Asian elephants, and no cases have been detected. Very few elephants are sent out of country and those have been to foreign zoos and are well documented in accordance to CITES rules. In the past a few elephants came from Thailand to help capture and train Sumatra elephants: 2 in 1985 to Way Kambas, 2 in 1987 to Aceh, then 6 in 1997 (2 each in Aceh, North Sumatra and Riau). One of the Thai elephants died in Sumatra and the rest were returned to Thailand.

Indonesia is a possible source and destination for illegal trade in ivory, but not for elephant parts, and only small amounts of ivory are traded.

There is no legal market in Indonesia for live elephant trade or for ivory or other elephant parts.

Legislation

The main wildlife legislation in Indonesia which governs wildlife issues is Act #5 on Biodiversity and Ecosystem Conservation (1990).

Other wildlife legislation includes the following:

Government Regulation #7 on Preservation of Wild Flora and Fauna (1999)

Government Regulation #8 on Utilization of Wild Flora and Fauna (1999)

Government Regulation #13 Wildlife Hunting (1994)

President Decree #43 on CITES (1978)

Minister Decree on Strategy and Action Plan of Sumatran and Kalimantan Elephants (2007-2017) #P.44 (2007)

Minister Decree #447 Administration Directive of Harvest or Capture and Distribution of Specimens of Wild Plant and Animal Species (2003)

Minister Regulation P.19 Captive Breeding (2005)

Minister Regulation P.52 Exhibition of Wild Flora and Fauna (2006)

Minister Regulation p.13 Conservation Institution (2012)

Minister Decree on Human Wildlife Conflict Mitigation #P.48 (2008)

Under the legislation some people have been prosecuted for illegally killing elephants and taking the tusks. Penalties include fines and jail. Currently the maximum penalty is a fine of 100 million INR and 5 years in jail. However the law (Act #5) is currently being revised to seek higher fines and longer jail sentences as judges are often too lenient and give sentences which are very light. The revision of the Act should be completed later in 2016.

The legislation related to live Asian elephant trade in Indonesia adequately enforce CITES rules under the President Decree #43.

In Indonesia all commercial trade (live elephants and parts) is banned under the current law. One issue mentioned is the difficulty to enforce import laws regarding certain species. The revision of the law should clarify import, especially in regards to CITES regulations, as currently some rules for import are under Customs regulations.

Enforcement

There is good capacity for wildlife law enforcement in Indonesia. The Forest Department has Forest Rangers. The Police Department can assist the Forest Rangers or can work independently. Currently law enforcement for wildlife crime can now be supported by the Director General in a different department under same Ministry.

There is good intra-agency cooperation in Indonesia with Police, Customs, and Quarantine Departments. There is also good cooperation with other countries in the region via ASEAN WEN, INTERPOL, and ICITAP.

The biggest challenge is that sentences given to violators are too low and not a deterrent. Also the enforcement is not comprehensive. Due to conflict sometimes elephants are killed to protect livelihoods, not for the sake of killing for poaching.

Lao PDR

Country Summary

Lao PDR, has a relatively small population of wild elephants which is considered to be in serious decline as a result of habitat loss and human-elephant conflict. Private ownership of elephants is permitted, and whilst no illegal trade has been detected, authorities lack resources to conduct pro-active investigations or adequately trade and registration. Lao receives requests from other countries to export elephants for zoos and circuses. The geography of the country poses a risk of transnational border trade.

Wild Elephants

There are between 300-800 individuals in the wild in Lao. Monitoring is relatively accurate since elephants live in protected areas in small groups, however there is some natural movement of elephants from Lao to Vietnam, across the Mekong to Myanmar, and to China. Numbers are assessed through field surveys involving information from local people, direct observations and use of camera traps in protected areas. The government has no finances or capacity to conduct regular surveys and relies on the assistance of non-governmental organizations. The wild elephant population is considered to be in serious decline due to habitat loss and human-elephant conflict.

Captive Elephants

Captive populations are calculated based on numbers that have been registered and microchipped. To date 446 elephants have been microchipped and this is thought to be approximately 90% of the total population.

Private ownership of elephants is permitted as is breeding, since they are considered to be private assets. There are no recent reports of elephants being bred in captivity. Officials however also stated that calves have been seen, but very rarely. It was not possible to clarify this issue but it is likely to stem from unofficial sightings versus official reporting.

Captive elephants are used for labor, tourism and entertainment. But the numbers are declining. Private owners may only have one elephant, limiting options for breeding. In addition, labor elephants are worked hard, often exist alone and their health is often not good for breeding.

The Department of Livestock and Fisheries developed the registration system for monitoring Lao's captive elephants. The system was developed in consultation with the Ministry of Agriculture and Forestry and the Ministry of Natural Resources and Environment. New elephants must be reported to the Department of Livestock and Fisheries.

Ivory from privately owned elephants is retained by the owner as a personal asset. Registration of ivory is a requirement once it is cut or removed from a deceased elephant, although there is some resistance to this regulation. Officials acknowledge that more awareness of this requirement is necessary.

Management of Problem Elephants

Although it may be necessary to deal with elephants involved in human-elephant conflict, to date there have been no such incidents. There is no official policy for removal of elephants from the wild.

Lao has developed a live elephant management strategy which was developed in 2014 because of issues of HEC and the potential need to pay compensation. The plan is to reduce HEC. It will review compensation, draft guidelines. To date however the strategy has not been completed due to lack of capacity and resources.

Illegal Trade and Poaching

Lao has detected no incidents of illegal trade including smuggling to neighboring countries, and the authorities have no indication that such offences take place. There have been cases where elephants may be exported to neighboring countries by agreement as a diplomatic/official gift from the Lao Government, with the approval of the Prime Minister.

The buying and selling of elephants or ivory is not permitted, but transfer of elephants and legally held ivory is permitted domestically.

In recent years, Lao has received requests for trade from Russian to transfer six elephants to a Moscow zoo, and a Chinese company requested 11 elephants, These requests were not approved.

There may be poaching for trade but no information is available on this. Recent unnatural deaths have been attributed to human-elephant conflict and total eight elephants since 2010.

Legislation

The trade in elephants is controlled under the Wildlife and Aquatic Animals Law 2007. Penalties include fines and imprisonment with scales dependent on the value of property lost and the severity of the offence.

Whilst the law is considered sufficient, there is a need to increase awareness amongst private elephant owners and ensure compliance amongst them.

Enforcement

The country has a very low capacity for investigations of either minor or serious offences. Responsibility for investigating offences of killing or trading elephants falls under the Department of Forestry Inspection (DoFI), which works in conjunction with other agencies such as the environmental police department, INTERPOL, Customs and prosecutors. Lao is a member of ASEAN-WEN, and cooperates with other member countries.

Malaysia

Country Summary

Malaysia has populations of wild elephants both in peninsular Malaysia and in the state of Sabah in the Malaysian part of the island of Borneo. Deforestation due to agro-forestry is the biggest threat to the wild elephant populations in Malaysia. In the past large numbers of elephants were translocated, but follow-up monitoring was lacking and the success of those efforts is undetermined. The number of wild elephants in Malaysia is between 1200-1700. Malaysia has a registration system to monitor its captive elephant population and many of the captive elephants in Malaysia are microchipped.

Wild Elephants

In Peninsular Malaysia, numbers of wild elephants are estimated at approximately 1,223-1,677 elephants.⁸ This is estimated through elephant dung-count surveys and estimations from observations during human-elephant conflict operations.

The elephant population is considered to be generally healthy, supported by camera-trap sightings of many calves.

Captive Elephants

In Peninsular Malaysia a total of 40 elephants are kept in zoos and other permanent exhibition facilities for the purposes of conservation education.

Responsibility for captive elephants is with the Department of Wildlife and National Parks (DWNP), Peninsular Malaysia, Ministry of Natural Resources and Environment (NRE), which developed a registration system under which every elephant has to be implanted with a microchip for identification. Any new or additional elephants require a special permit from the DWNP.

Zoo operators should adhere to Wildlife Conservation (Operation of Zoo) Regulations 2012 and Wildlife Conservation (Exhibition) Regulation 2013, whereby monthly monitoring and annual auditing is carried out by DWNP to ensure compliance of the regulations. Through such monthly monitoring and annually auditing, Malaysia aims to ensure that captive elephants come only from legal sources.

Management of Problem Elephants

Issues related to 'problem' wild elephants stem from human-elephant conflict and orphans. Malaysia has developed two strategies to address this: The Elephant Management Plan in Peninsular Malaysia (2006) and National Elephant Conservation Action Plan (2013)

Problem elephants are translocated to more suitable areas, such as Taman Negara National Park, Royal Belum State Park and Endau-Rompin National Park.

Illegal Trade and Poaching

Malaysia has no incidents of illegal trade or poaching of Asian elephants.

⁸ Saaban *et.al.*, 2011

Legislation

The main legal article for both live elephants and elephant ivory is the Wildlife Conservation Act 2010 [Act 716]. Elephants are categorized as a Totally Protected Species of Act 716. A special permit (approved by the Minister) is required to keep any individual, part or derivative or in zoo, circus or exhibition operation. It is an offence for anyone to unlawfully shoot, kill, take or possess an elephant or part thereof. If found guilty, the penalty is a maximum fine of RM100,000, or 3 years imprisonment, or both.

There are considered to be no gaps in the legislation.

Enforcement

The DWNP has undergone several collaboration and enhancement in line with the Blue Ocean Strategy, with other enforcement agencies such as Malaysian Armed Forces, Royal Malaysia Police, Royal Malaysian Customs, Anti-smuggling Unit, Malaysian Maritime Enforcement Agency and Forest Department Peninsular Malaysia. In addition, a Wildlife Crime Unit (WCU) and Wildlife Forensic Unit (WFU) was established by DWNP to assist in investigation of any cases related to elephant trade. The National Wildlife Forensic Lab (NWFL) was also developed in 2015 to carry out the application of forensic DNA technologies. Malaysia has been an active participant in international and regional cooperation activities including: ASEAN Wildlife Enforcement Network (ASEAN-WEN) and other CITES member countries; Participation in various CITES, ASEAN-WEN and INTERPOL various programs and meetings; Cooperation with INTERPOL through the Environmental Crime Program undertaking many operations on illegal wildlife trade, poaching and smuggling activities.

Whilst no incidents of live elephant trade have been detected, Malaysia recognizes that human resources remain a challenge to effective enforcement.

Myanmar

Country Summary

Myanmar has the largest population of captive elephants in Asia. The wild elephant population is declining and the numbers are less than half of the captive population. Currently the biggest challenge for elephants in Myanmar is the fact that many are used for labor, in logging, and this use is gradually being phased out. Therefore large numbers of elephants in the country will soon have no employment. Myanmar has a registration scheme that is implemented by two different government departments: The Forest Department and the Myanmar Timber Enterprise. Private ownership of elephants is allowed but many owners have not properly registered their elephants which does not allow for adequate monitoring of the captive elephant population. Illegal captures are occurring and Myanmar is considered a source, and possibly transit, for illegal trade in live elephants. Poaching is also increasing; currently elephants in Myanmar are poached for their skin and trunk in addition to tusks. Legislation in Myanmar is thought to be adequate but the capacity for law enforcement is limited.

Main issues, risks and threats

Myanmar manages a large population of elephants; however the majority of those are captive. Threats to the wild elephant population include increasing habitat loss due to hydropower development, dams, etc., and forest given to private plantation owners.

Wild Elephants

The wild elephant population in Myanmar has not been properly surveyed. The estimated number is based on data collected by the Forest Department and the Myanmar Timber Enterprise in reserve forests. There is a slow decline of this elephant population. A formal census of the wild elephant population in Myanmar is expected to start in October 2016.

There are approximately 2000 wild elephants in Myanmar.

Captive Elephants

Based on records from the Forest Department and the Myanmar Timber Enterprise there are more than 5600 captive elephants. The Forest Department manages a total of 128 elephants, the Myanmar Timber Enterprise manages 2945 elephants, and private owners manage 2561 elephants which are registered for a total of 5634 captive elephants in country. There are possibly as many as 300-500 unregistered privately owned elephants, most of those are owned by insurgents or are housed just inside the Thai border.

In Myanmar captive elephants are used in timber extraction, trekking, labor, transportation, exhibition, tourism (i.e. elephant shows).

The Forest Department under the Ministry of Natural Resources and Environmental Conservation manages the wild population and has oversight over part of the captive population (those owned by the Department and all privately owned elephants). The Myanmar Timber Enterprise, also under the Ministry of Natural Resources and Environmental Conservation, manages its elephants which are primarily used in the logging industry.

Culturally and historically Myanmar has allowed private ownership of captive elephants, although technically under the wildlife law it is banned.

Myanmar has a formal registration system both via the Forest Department and via the Myanmar Timber Enterprise. The system was developed in collaboration with the Natural Forest and Plantation Division under the State and Region Forest Departments, District Forest Departments, Township Forest Departments, and private owners.

The registration system includes information on each individual elephant; external features and any markings are noted, and photos of 3 sides of the individual elephant are included. In Myanmar elephants are additionally classified according to 5-6 types depending on features. Information in the registration also includes where, when, and by whom the elephant was captured, or when and where it was born if captive born. The registration document stays with the elephant at all times.

In addition to the documentation, elephants in the Forest Department and the Myanmar Timber Enterprise are branded on their hip. The brand primarily used is a star. Each elephant is also given a number and that is included in the brand. In Kachin state some elephants have been microchipped through a project supported by an NGO.

While the registration is very effective at monitoring the elephants managed both by the Forest Department and the Myanmar Timber Enterprise, it is less effective in monitoring the privately owned elephants as there is poor coordination by private owners who often do not register their elephants with the Forest Department or do not provide timely updates on changes of status (birth, death) of the elephant or of the owner.

There is a need for increased monitoring of the privately owned elephant population to better control movement and trade of these animals. In Myanmar if a private owner finds another owner for the elephant in-country it can be sold and the Forest Department has to be notified of the change in ownership. Many private owners do not notify the Department which hinders the ability of the Forest Department to properly track these elephants. Furthermore it was acknowledged that there is a market for “bad” elephants out of the country that is difficult to monitor.

When a captive elephant is moved to another area a removal pass from the Township Forest Department is required for captive elephant movement. However most private owners do not adhere to this rule. The Forest Department would be interested in the use of DNA analysis for registration to monitor privately owned elephant movement, but they do not have the capacity at this time to do so.

Management of Problem Elephants

In cases of problem elephants, Myanmar allows for their removal if needed. In the majority of cases problem elephants are removed from the wild as a result of Human Elephant Conflict and only after they have caused significant damage and human injuries or death. The decision of how to deal with problem elephants is done on a case by case basis. If the decision is made to remove an elephant a request is submitted to the Forest Department. If the Department approves, then the request is transferred to the Myanmar Timber Enterprise and they are tasked with capturing the elephant. Once captured the responsibility for managing the elephant is with the Myanmar Timber Enterprise, and they maintain “ownership” after capture.

Illegal Trade and Poaching

There is no comprehensive study about the illegal trade in live elephants in Asia. But it can be assumed the Myanmar is a major source country in mainland Southeast Asia for the illegal trade in live elephants. However no information is available in regards to transit or destination.

There is no legal market for live elephant trade in the country. However Myanmar has a request from an animal dealer overseas for the export of 40 live elephants, probably for zoos in China, Europe, and Russia.

The illegal trade in live elephants is likely happening in Myanmar. Insurgency groups (i.e. Kachin Independent Army) are involved in illegal trade, especially in border areas with China and India. The Golden Triangle area is an easy area to pass elephants through Lao PDR to China. China is an upcoming destination for live elephants (for tourism, exhibition, other) especially in Yunnan province as it is an important area for Chinese tourists.

Most buyers allegedly prefer already captive elephants and it is likely that most of the traded elephants are already captive. It has been reported that private owners sell young elephants for tourism purposes for approximately 20 million kyats, and for labor purposes for approximately 40 million kyats.

There is no information on current numbers of illegal captures but the Forest Department feels there are few as wild elephants are mainly in reserve forests and word would get out to the Forest Department if many captures were happening illegally. Under Myanmar law, Forest Department permission is needed prior to capture. There are still illegal captures in some states (i.e. on the border with Thailand) by pit method.

The largest wild elephant populations in Myanmar are in Ayeyarwady and Rakhine states in the western part of the country. In the southern region on the border with Thailand the largest population numbers no more than 50 individuals. Ayeyarwady and Bago states also have the highest levels of poaching.

There is no legal market for ivory trade in Myanmar but some private owners sell ivory from their captive elephants. Some ivory collected from government owned elephants has been donated for religious purposes. Currently both the Forest Department and the Myanmar Timber Enterprise each have a stockpile of ivory. Although market demand and prices for ivory are allegedly decreasing in China, elephant poaching in Myanmar is increasing.

Currently the most popular poached elephant part in Myanmar is elephant skin and trunk. More than likely the destination for these parts is out of country as people in Myanmar do not like animal based traditional medicine, only herbal based. Ivory is also being increasingly used out of country in medicine, e.g. to make artificial knee caps. Poaching elephants primarily for their skin and trunk is a recent phenomenon in Myanmar, and was first identified in 2012. To date about ten carcasses have been found but more likely exist.

The seizures on illegal trade in live elephants indicate that the roads leading to the border areas of eastern Myanmar are the main trade routes. No particular hotspot for illegal trade was noted.

Two shipping ports are planned for Myanmar which could increase the use of Myanmar as a transit point for illegal wildlife trafficking, especially as one port is deep sea.

Legislation

In Myanmar the primary wildlife legislation is the Protection of Wildlife and Protected Areas Law (1994) (revised in 2002). Under this law elephants are categorized as completely protected wildlife in Section 37.

Penalties for offenses under this law are a jail sentence of up to 7 years, or a fine up to 50,000 MMK, or both. The law is currently being revised; in the revision the fine will be increased to a minimum of 500,000 MMK to 1,500,000 MMK. This revision of the law is pending approval.

Myanmar has prosecuted several cases of poaching and illegal trade in ivory. Recently 10 people were caught in three separate poaching cases. These cases were tried in two different Townships. In one case two persons each received 2 years in jail. In another, but similar case one person received 4 years in jail. The rest of the offenders only received fines.

Current legislation in Myanmar enforces CITES regulations but there is a need for improvement. Myanmar does allow trade of live elephants between zoos (in and out of the country) in exchange for other species. The law also allows establishing zoos/recreation centers with live elephants in country, so that use is increasing.

It was felt that some of the gaps in Myanmar legislation are that import of elephants is not covered in existing legislation, and captive and “domesticated” (captive born) elephants are not differentiated.

Enforcement

The capacity for law enforcement in Myanmar is limited. The Forest Department can collaborate with the Myanmar Police Force, the Directorate of Customs, and the Department of Trade. The cooperation to enforce is good as the police and military work with the Forest Department and local communities report poaching. Additionally the media raises awareness.

With the current new government the law enforcement in border areas may increase. To date, Myanmar police and military are allowed to be armed with guns but Forest Department staff can only carry knives.

A couple of years ago Myanmar formed two mobile multi-agency teams for addressing wildlife crime at border checkpoints. The teams have been discontinued as they did not work as intended.

In the past 5 years there have been several violations of live elephant trade detected:

2011 – 5

2012 – 1

2013 – 1

2014 – 1

All cases were charged under Section 37 (a) of the Protection of Wildlife and Protected Areas Law 1994. Eight elephants were confiscated near the Thailand/China border. When violations of live elephant trade are found the owner pays a fine based on the height of the elephant height.

Myanmar has limited enforcement collaboration with neighboring countries. The government rarely talks to neighboring countries except in the context of meeting representatives at various meetings and conferences. It was felt that there is a real need for more intra-Asia cooperation as law enforcement is weak in ASEAN countries even with WEN. There is a need more direct dialogue between countries to strengthen WEN intra and inter-country.

There are several constraints in enforcement. The major ones are: limited budget, insufficient staff, limited capacity, limited cross-sector and transboundary collaborations, etc. On the other hand the demand for timber and wildlife is growing in neighboring countries and consequently timber, wildlife and their parts are traded by several illegal ways and means. Such illegal businesses are cartel in nature, have strongly backed finances and manpower, and are using modern information distribution techniques. In order to reduce the above mentioned constraints, it is urgently needed to strengthen staff, funding, materials, capacity, data, and information sharing, collaboration with public and related organizations, and improve international collaborations. One of the challenges for combating illegal wildlife crime and timber trafficking is the security problem, particularly in border areas where law enforcement is very weak and often officers are killed in the line of duty.

Nepal

Country Summary

Nepal has a small population of wild elephants along its southern border with India. As compared to other range countries, the threats to wild elephants in Nepal are fairly low. Nepal has a growing number of captive elephants, most of which are used for tourism activities in the National Parks. There is a captive elephant registration system in Nepal and private ownership is allowed. Because Nepal stopped removing elephants from the wild a number of years ago, most of the captive elephants in the country have come from India, and the majority were illegally imported. Therefore Nepal is a destination for illegal trade in live elephants. Current legislation is adequate but there is limited capacity in Nepal for law enforcement and no cases of illegal trade of live elephants have been prosecuted.

Main issues, risks and threats

The elephant population in Nepal is found only along the southern boundary of the country and most of the elephants move between Nepal and India. In Nepal there is a low level of poaching and of retaliatory killings.

Wild Elephants

Wild elephant population estimates are based on herd counts in the 5 areas of the country with elephant populations. Wild elephant population monitoring across the country is still inadequate though some work has been done. There is a need to build the capacity of Nepal field staff to better assess the wild elephant population.

The estimated number of wild elephants in Nepal is 135-250. As many move between India and Nepal it is difficult to get an exact count.

Captive Elephants

There are a total of 216 captive elephants in Nepal. In a paper published in 2011 the number was listed 160 so there has been a slight increase, primarily in private ownership.

In Nepal elephants are used in anti-poaching patrols, wildlife research and monitoring, tourism (jungle safari), and exhibition (zoo).

The Department of National Parks and Wildlife Conservation under the Ministry of Forest and Soil Conservation is responsible for elephant (wild and captive) populations in Nepal.

Private ownership of captive elephants is allowed in Nepal and has been a traditional practice for a long time.

The Department of National Parks and Wildlife Conservation introduced a semi-formal registration process in 2010. About half of the captive elephants are microchipped and currently the Department of National Parks and Wildlife Conservation monitors the elephants on an annual basis.

The registration system was developed by the Department of National Parks and Wildlife Conservation along with the National Trust for Nature Conservation and some private owners

New owners are supposed to register their elephant in the National Park where they are located, however sometimes the owners do not inform the Department of National Parks and Wildlife Conservation. Some private owners stated they were not aware of the existence of a registration system through the Department of National Parks and Wildlife Conservation and only register their elephants in the local cooperatives for business purposes as they are not told to do anything else.

About 50% of private elephants in Nepal are microchipped. Since 2010 microchipping has been done in most of the elephants in the Chitwan area (site of most of the tourism business) to track them. To date 102 captive elephants are microchipped as a means of identification and monitoring. These are mostly privately owned elephants.

A couple of years ago the Department of National Parks and Wildlife Conservation developed and initiated annual health care clinics for all elephants (government and privately owned). These clinics intend to monitor not only elephant health but also check microchips and owner information. There is no system of owner certificate but data from private owners is recorded by the government along with data from government owned elephants. While privately owned elephants have participated in the health clinics the owners say they are not asked to show any documents and their elephants are usually not checked for a microchip.

It is felt that the current registration system helps to manage elephant trade to some extent and only partially monitors movement of captive elephants in and out of country.

Management of Problem Elephants

The National Parks and Wildlife Conservation Act mentions removal of problem elephants. However Nepal stopped capturing elephants about 40 years ago, so when elephants become a problem they are culled. This is only done after the elephant has become too destructive and has killed people. When a problem elephant is identified it is shot and killed. Only 3 cases have occurred in last 25 years where 3 male elephants were culled.

There have been only two cases of orphan calves; after trying to put them back with the herd with no success these calves were taken into captivity.

Illegal Trade and Poaching

Nepal is primarily a destination for live elephant trade. The commercial trade of elephants in Nepal is not allowed but they can be gifted. Since Nepal stopped capturing elephants about 40 years ago, when captive elephants are needed they are imported from India, for example in 1986 Nepal received 16 elephants from India in exchange for 4 rhinos. In recent years elephants from India are increasingly imported illegally to Nepal for use in tourism activities. These are primarily already captive elephants that have no work in NE India and are being re-purposed to work in the tourism industry in Nepal.

The Nepal government presently manages 98 elephants and private owners manage 118 elephants. Currently 2-3 calves are born annually at the breeding center managed by the government in Chitwan National Park so there is no need to bring in more elephants from out of country specifically for government purposes, which is to use them for anti-poaching patrols in protected areas.

Some years ago there were a few privately owned elephants in different parts of the country but now all have moved to the area of the National Parks (mainly Chitwan but some to Bardia) in the southern belt to be used in tourism.

Privately owned elephants have also had calves, but very few. The majority of captive elephants used in tourism in Nepal come from India. Some are leased and return each year to India but the majority stay in Nepal and may change owners within the country. It is becoming increasingly expensive to bring elephants from India to Nepal, but according to elephant owners in Chitwan National Park it is still preferable to purchase rather than lease an elephant from India because the elephant tourism business in Nepal is making a good profit.

Nepal is a source and transit for illegal trade in elephant ivory and parts. There is no use of ivory in Nepal but elephant tail hairs are used to make jewelry.

There is no domestic legal elephant ivory or parts trade allowed in Nepal.

The main hotspot in Nepal for illegal trade in live elephants is Sauraha in Chitwan National Park. The main routes for illegal live elephant trade are along the border with India from the state of Bihar on the India side to Janakpur district or Nawalparasi district in Nepal and on to Chitwan district, or through Lumbini in Nepal. Much of the border is fairly open and porous.

Legislation

The primary wildlife legislation in Nepal is the National Parks and Wildlife Conservation Act (1973). Additionally there are some elephant specific policies including the Captive Elephant Management Policy (2003) and the Government Elephant Stable Management Regulations.

Penalties for offences of illegal trade in elephants under the legislation include fines of NPR 50,000 to 100,000 and/or 5 to 15 years jail or both.

The legislation only partially enforces CITES rules and a bill addressing CITES issues specifically is pending but has not yet passed through parliament in Nepal.

Current legislation is adequate but as managing captive elephants is a traditional system in Nepal it has been difficult to regulate the movement of captive elephants and control the change of ownership rights.

Enforcement

There is limited capacity for enforcement in Nepal. The Department of National Parks and Wildlife Conservation is responsible for investigations.

No cases of illegal trade in live elephants have been prosecuted and only a few cases of illegal ivory trade were prosecuted in Nepal.

The cooperation with neighboring countries is fair. Nepal has regular meetings with India, even at the community level, about transboundary issues covering various species. Nepal would like an agreement and a system developed with India to allow captive elephants leased in India for work in Nepal to go back and forth across the border legally.

The biggest challenge is the need to build the capacity of forestry officials in Nepal to properly enforce legislation. Currently there are 20 Park Managers and 74 District Forest

Officers in the country. Additionally the long and porous border with India makes it difficult to adequately track the movement of captive elephants between India and Nepal.

Sri Lanka

Country Summary

Sri Lanka has a sizeable population of wild elephants and the main threats are due to Human Elephant Conflict. There is a formal government registration scheme for the small population of captive elephants in Sri Lanka and private ownership is allowed. While illegal elephant captures have been occurring for a number of years, the illegal trade of live elephants is only within the country, not international. A recent high profile prosecution of illegal elephant owners has stopped illegal captures for now. A better implementation of the registration system would help monitor illegal captures. Sri Lanka has a good legal framework to address wildlife issues but sometimes the political will hinders the enforcement of the existing regulations.

Main issues, risks and threats

Generally the elephant population in Sri Lanka seems to be fairly stable. The main threats are fragmentation of habitat and illegal killing due to Human Elephant Conflict. Every year about 250 elephants are killed and 70 humans die from conflict. Some poaching cases occur but are not common as most wild male elephants in Sri Lanka are tuskless.

Wild Elephants

A country-wide survey was done in 2011. The elephant population in Sri Lanka had been surveyed in previous years but it is difficult to determine if the population has increased or decreased as earlier surveys were done via different methodologies.

The country-wide survey in 2011 indicated about 5600 wild elephants in Sri Lanka.

Captive Elephants

There are 102 elephants in zoos and 148 elephants in private ownership in Sri Lanka. There are likely more but these are the total numbers of legally registered elephants in the country.

In Sri Lanka captive elephants are used mainly in temple processions, exhibition, tourism, and a very small amount are still used for labor. Some wealthy people keep elephants (generally single animals) only as status symbols.

The Department of Wildlife Conservation, under the Ministry of Sustainable Development and Wildlife, administers elephant (wild and captive) populations in Sri Lanka.

Private ownership of elephants is allowed in Sri Lanka as long as valid permits are obtained. Ownership permits are issued by the Department of Wildlife Conservation. Culturally and historically, captive elephants in Sri Lanka have been kept in temples and by aristocracy.

Sri Lanka has a formal registration system for captive elephants. It is a strict procedure and is guided by the Fauna and Flora Protection Ordinance (1991) and the sub-section on Registration and Licensing of Tuskers and Elephant Regulations (1991). The registration system was developed in 1991 by the Department of Wildlife Conservation. It is not clear if other stakeholders were involved in the development process.

Per the registration system, new applicants submit photos and documentation of the elephant attesting to the source and ownership of the elephant. The Director General of the Department of Wildlife Conservation appoints a committee who check the elephant to verify

the documentation before the application for the ownership permit is processed. Certified owners should be in possession of the owner documents at all times. Staff working with the elephant (e.g. mahouts) also carry a copy of the ownership documents at all times.

Any changes in status of the elephant need to be reported to the Director General of the Department of Wildlife Conservation. For example when a female is pregnant this information needs to be reported to the Director General. When the calf is born, or if the female delivers a stillborn calf, the information needs to be reported to the Director General. To be registered a calf has to be born to a captive mother.

If the ownership status changes the new owner has to apply to the Director General of the Department of Wildlife Conservation and, after investigation to ensure the documents are legal, the Director General decides if the new ownership application should be approved.

The registration rule is very clear but the implementation is sometimes weak. Early on the registration system worked well, but gradually potential owners of newly captured elephants started to falsify documents as the captures were not legal. A recent high profile investigation into a number (30+) of mainly young elephants illegally captured over the past 3-4 years has stopped that.

To a great extent the Sri Lanka registration system helps to control illegal trade in live elephants. In addition to the registration documents, which have to be with the elephant at all times, the captive elephants in Sri Lanka are being microchipped and some DNA testing of captive elephants is underway in the country. So far the elephants in zoos and those elephants recently confiscated are all microchipped.

The registration system also helps to monitor movement of elephants. The permit has to mention the exact location of the permanent residence of the elephant. If the elephant is moved the owner has to inform the Director General of the Department of Wildlife Conservation when the permanent location is changed.

A better implementation of the registration system would help monitor illegal captures. It has been suggested that due to low numbers of captive elephants in Sri Lanka, involving the public in monitoring captive elephants would help to control illegal captures and illegal ownership.

Management of Problem Elephants

The Fauna and Flora Protection Ordinance (1991) guides the management of problem elephants. In Sri Lanka, problem elephants due to Human Elephant Conflict are mostly translocated. However this strategy is not always successful so an elephant holding facility (2500 acres with a strong electric fence) has been built in Horowpotana and real problem elephants (those causing a lot of damage or injuries/death of humans) are moved to the holding facility. Currently there are 13 wild male elephants in this holding facility which is still in a trial phase.

Orphan elephants are usually taken to the Elephant Transit Home in Udawalawe National Park for later release. Normally calves at this facility are not transferred, only released. However in a few situations where calves were not releasable those were taken to the Pinnawala elephant facility. These transfers have not happened in recent times as there had been complaints and the current Minister is opposed to such transfers.

Only the Department of Wildlife Conservation can remove elephants from the wild. Any elephant removed from the wild stays under the Department of Wildlife Conservation oversight, and the Department can only transfer an elephant to another government institution (e.g. a zoo).

Illegal Trade and Poaching

Sri Lanka has been a destination for a few elephants imported legally from India and Myanmar because of the need for tuskers in temples. None of these imported elephants went to private owners, they all went to temples. Sri Lanka has also been a source for some elephant transfers that were sent to zoos out of country.

There is a legal domestic market for live elephants in Sri Lanka. Private owners can transfer their elephant via sale, donation, or inheritance to another owner if the transfer is verified and approved by the Department of Wildlife Conservation that the elephant to be transferred is properly registered. The new owner has to apply for a new registration and license within one month of acquisition.

For transfers out of country (e.g. to zoos) a committee is appointed by the Director General of the Department of Wildlife Conservation to look at the destination of the elephant and ensure any rules (i.e. CITES) are properly addressed.

Recently more than 30 mainly young elephants, identified as having illegal ownership documents, were confiscated. These confiscations have helped the Department of Wildlife Conservation get a better handle on the illegal captures and illegal owners in country. The change of government was the primary reason why the investigation and confiscations occurred. One individual who was primarily responsible for the capturing operations was arrested and given a jail sentence. Some high profile individuals were also arrested. The illegal captures of young elephants for private ownership have stopped for now.

Sri Lanka is mainly a transit for the illegal trade of ivory and/or elephant parts. In 2012 a shipment of ivory from Africa was intercepted at the port of Colombo; the shipment was going to Hong Kong.

There is no legal market for elephant ivory or parts in Sri Lanka. Elephant parts are not traded in Sri Lanka. Ivory is kept as a status symbol and has to be registered. Private elephant owners also need to register all tusks and tushes. The government has a small stockpile of ivory collected from elephants that died. Recently all confiscated and illegal ivory was crushed; the government included a couple of tusks from their stockpile in the crush. The government is considering crushing their entire stockpile but this is very controversial in Sri Lanka as temples request tusks, mainly uncarved, for religious purposes and do not want the government stockpile destroyed.

It was felt that there are no particular routes or hotspots in Sri Lanka for illegal trade in live elephants or in elephant ivory or parts.

Legislation

The primary wildlife legislation in Sri Lanka is the Fauna and Flora Protection Ordinance (1991) and Bylaw 662/4. Additional elephant specific legislation includes the Registration and Licensing of Tuskers and Elephant Regulations (1991), and the Registration of Tusks and Tushes Regulations (1992 and amended in 2002).

There is no provision for elephant trade in the legislation in Sri Lanka.

Penalties for offences under the legislation include fines of 100,000-200,000 LKR and/or jail time of 10-20 years for illegal trade of live elephants. For illegal ivory trade the fine is 25,000 LKR and/or 2-5 years in jail. There is a need for higher fines as currently they are not a deterrent, but jail time is.

It was also felt that the Sri Lanka regulations for international elephant trade are stricter than those imposed by CITES.

There are no significant gaps in Sri Lanka legislation.

Enforcement

There is good capacity for law enforcement in Sri Lanka but sometimes the political will is lacking.

Investigations are led by the Department of Wildlife Conservation in cooperation with the Police Department, the Attorney General's office, and any other relevant agencies needed.

Sri Lanka has had no incidents of international illegal trade in live elephants, only domestic illegal trade has occurred. Although illegal captures and illegal ownership have likely been occurring for a number of years in Sri Lanka, a recent high profile case has helped address the issue. In this case, there were more than 30 instances of illegal elephant ownership from illegal captures. All of the elephants were confiscated and are still under the Department of Wildlife Conservation jurisdiction. The legal process is still underway. The media in Sri Lanka is very vocal and drew attention to these illegal captures. It was felt that no illegally captured elephants were sent out of country (as some groups reported) as Sri Lanka media and local people would have notified the Department of Wildlife Conservation.

Being an island nation Sri Lanka does not share a border with other countries but has good cooperation for law enforcement with other countries when needed, mainly through INTERPOL.

It is felt that Sri Lanka has a good legal framework but sometimes the political will hinders the enforcement of the existing regulations.

Sri Lanka wildlife officials also suggested that CITES clarify guidelines on animal (elephant) welfare to be considered for receiving institutions in cases of international live elephant trade, as this would help guide smaller countries like Sri Lanka that want to trade.

Thailand

Country Summary

Thailand has a long history of use of captive elephants, and still has one of the highest populations of captive elephants, mostly used in the entertainment industry for trekking and shows. Thailand's geographic location, and populations of transient ethnic groups, some of which privately own elephants, poses a challenge for enforcement and monitoring of captive populations and their interaction with wild elephants.

The government acknowledged that interbreeding takes place (albeit rarely) between wild and domestic elephants. This occurs where captive female elephants are chained in the forest while not engaged in tourism activities. Wild bulls then mate with the female and the offspring is sold to entertainment centers.

Whilst Thailand has a registration system, it is managed by two separate Ministries. Furthermore, registration is not required until the elephant reaches eight years of age. This effectively avoids registration of the most vulnerable and desirable elephants for the entertainment industry.

Thailand's popularity for tourists from around the world ensures that the demand for elephant entertainment remains high and growing.

Wild Elephants

Current estimates put the number of wild elephants in Thailand at 3,200. This is based on scientific studies including surveys and interviews mainly undertaken by the Department of National Parks (DNP). Some populations of elephants inhabit border areas and therefore travel across borders making monitoring more difficult.

The population of wild elephants in Thailand is thought to be generally increasing but varying across the country's national parks. Some areas have high numbers, such as protected areas in eastern Thailand, whilst only a small number of elephants live in Northern parks as a result of habitat loss. A healthy population can be found in the Western forest complex.

Captive Elephants

The number of domestic/captive elephants in Thailand is 3,444, as compiled by the Department of Provincial Administration (DOPA) which falls under the Ministry of Interior and believed accurate as of 31 Mar 2016. This number however excludes elephants under the age of eight, since they are not required to be registered.

The number of domesticated elephants is compiled from registration records and is believed to be accurate as of 2015. It is acknowledged that a number of elephants are the property of ethnic groups living on the border of Myanmar and Thailand. These groups migrate to and from the countries and take their elephants with them when they travel. These elephants are not registered and are kept outside Thailand for periods of the year, making counts difficult.

The main use for domestic elephants in Thailand is in the tourism industry such as trekking operations and shows. The number of camps and facilities fluctuates with seasonal demand but there are thought to be approximately 200 camps in the country. When they are not working in the tourism industry, the elephants may be engaged in labor activities (including

in neighboring countries) or chained in the forest. In addition to tourism, elephants are also used for logging of cultivated rubber and teak plantations in the highlands.

The management of captive elephants in Thailand is managed by two Ministries:

The Department of Provincial Administration (Ministry of Interior) is responsible for the registration of domesticated elephant under the Draught Animals Act 1939 (B.E. 2482) (Beast of Burden Act). Domesticated elephants under the Draught Animals Act may be legally owned by private enterprises and the government.

The Department of Livestock Development (DLD) (Ministry of Agriculture and Cooperation) is responsible for the health care of elephants, as well as movement and permission for trade under the *Animal Epidemics Act 1956* (B.E. 2499). The DLD implants microchips into all elephants under its care.

In addition to the two Ministries responsible for management of the elephants themselves, the Department of Tourism (Ministry of Tourism) encourages elephant camps to participate in an "Elephant Camping Standards" initiative to improve the welfare of elephants and ensure the safety of tourists.

Approximately 120 elephants are owned by the government Forest Industry Organization (FIO) under Ministry of Natural Resources and Environment. Under the Draught Animals Act, owners of domesticated elephants are required to register them once they reach the age of eight. The registered individual will be microchipped and issued with an identification certificate that includes information such as microchip number and photographs.

Thailand is currently developing a DNA database for domesticated elephants through a joint-agency initiative involving DOPA, DNP and DLD. Approximately 2,000 samples have been taken from domesticated elephants by DLD and the National Elephant Institute (NEI) of FIO.

Partnerships with three universities in Thailand are being developed to develop standardized laboratories that may assist with analysis of the DNA samples and the universities have already received samples for analysis. The analyzed DNA profiles are to be included in new elephant identification certificates issued by DOPA.

A further 900 samples have been collected and analyzed by DNP in cooperation with the wildlife forensic non-government organization, TRACE Wildlife Forensics Network.

A number of challenges exist in regard to the registration of elephants in Thailand:

1. The requirement for the registration of domesticated elephants only once they reach the age of eight may allow laundering of wild-caught elephants into the domesticated population, with detection evading authorities for at least eight years.
2. There is a lack of robust method for identifying or marking domesticated elephants. The most common method is identification through appearance (marks, scars etc.). Whilst microchipping and DNA are used, there is no legal requirement for privately owned elephants to be marked in this way.
3. The involvement of four Ministries in the registration, management and welfare of elephants is acknowledged to, at times, be problematic and relies upon effective inter-departmental cooperation. For example, separate databases are held on registered elephants. Consideration has been given to combining the databases of the respective departments and may be addressed in conjunction with future changes to regulations.

Movement of elephants within the country are managed by DLD, which controls movement of domesticated elephants using an “e-movement system”. Routes and check points are designated for each movement and these are manned by police, DNP, Customs and other agencies along routes. No further information was available at the time regarding this system.

Management of Problem Elephants

In the case of ‘problem elephants’, Thailand aims to prevent human-elephant conflict through erecting barriers to block elephants breaking into farmland, and by increasing sources of food and water bodies in their natural habitats. Elephants raiding crops will be pushed back to their wild habitat and compensation is provided for damages caused by elephants.

Removal and relocation of elephants from the wild is permitted only in cases of serious human-elephant conflict, where an elephant is injured or diseased, or for veterinary research purposes, although elephants that are removed from the wild are returned to the wild after receiving necessary treatment. Killing of elephants is unlawful.

Illegal Trade and Poaching

Thailand considers that they have a low level of poaching of elephants within the country. Export of live elephants has been suspended and no exports have been permitted in the last five years. With regard to transit trade, and as a destination for live elephants, the representatives considered the country to be at low risk, whilst acknowledging that low levels of smuggling may exist in some border areas. Specific locations were identified as key trade routes and locations for elephants, although it is unclear whether the grounds for identifying these locations is based on specific cases or unverified information:

1. Possession of elephants: Surin, Tak, Chiang Mai, Lampang
2. Tourist areas: Phuket, Kanchanaburi, Chiang Mai, Chonburi, Prachaup Kirikhan, Ayuthaya
3. Locations from where elephants have been confiscated: Kanchanaburi, Surin, Trang, Chaiyaphum, Mae-Hongson, Burirum, Ratchaburi

Legislation

There are a total of seven different acts of legislation covering offences related to elephants in Thailand.

Trade in live elephants:

Domestic: Draught Animals Act, Animal Epidemics Act, Wild Animal Reservation and Protection Act

International: Wild Animal Reservation and Protection Act, Customs Act, Import and export of Goods Act, Animal Epidemics Act, Draught Animals Act.

Elephant parts and products:

Internal: Animal Epidemics Act, Wild Animal Reservation and Protection Act, Elephant Ivory Act.

International: Wild Animal Reservation and Protection Act, Customs Act, Import and Export of Goods Act, Animal Epidemics Act, Elephant Ivory Act.

Penalties:

Draught Animals Act (addresses trade in live elephants)

- Delayed registration incurs a fine of up to 50 Baht, or up to 10days in prison, or both.
- Possession without identification certificate ,or the certificate and elephant are not matched ,incurs a fine of up to 100Baht, or up to 1month in prison, or both.
- Change of ownership without notification incurs a fine of up to 50Baht
- Export and import without notification incurs a fine of up to 50Baht

Animal Epidemic Act (concerns live elephants and their carcasses)

- Illegal movement incurs a fine of up to 10,000Baht, or up to 6months in prison, or both
- Illegal trade incurs a fine of up to 20,000Baht, or up to 1year in prison, or both
- Illegal import, export and transit incurs a fine of up to 40,000Baht, or up to 2years in prison, or both.

Wild Animal Reservation and Protection Act (concerns with live African elephant and wild Asian elephant and their carcasses)

Illegal possession, trade, import, export and transit incurs a fine of up to 40,000Baht, or up to 4years in prison, or both

Customs Act (deals with international trade of live African elephant and Asian elephant and their carcasses)

Import and export without declaration incur a fine of up to 4-time the value price of the goods, or up to 10years in prison, or both.

Import and export of Goods Act (concerns with export of Asian elephant and their carcasses)

Illegal export incurs a fine of up to 5-time the value price of the goods, or up to 10 years in prison, or both.

Elephant Ivory Act 2015 (deals with ivory and ivory products originated from domesticated elephants of the Draught Animals Act)

Illegal possession incurs a fine of up to 3,000,000Baht

Illegal trade, export, import and transit incur a fine of up to 6,000,000Baht, or up to 3years in prison, or both (this is for domestic ivory – international trade incurs higher penalties as above)

Identified gaps in legislation include the issue of elephant registration only being required from the age of 8 and that this may facilitate the laundering of younger elephants into captive populations. Discussions are underway to amend the provisions to require registration from 3 months old.

Penalties under the Draught Animals Act are considered to be low and insufficient to prevent illegal activities. Planned amendments to the law are include increased penalties

There is no specific legislation that addresses welfare of elephants used in the tourism industry. The general Cruelty to Animals Act is not considered sufficient to address the specific issues related to elephants in captivity for tourism.

Enforcement

Incidents of violations in the last five years were reported as follows:

A total of 60 elephants/carcasses from 33 cases of Illegal possession, of which 14 cases related to a total of 38 live elephants, and four cases of illegal hunting of a total of five elephants.

In addition, there were 13 cases of Illegal movement under the Animal Epidemics Act (24 elephants).

The most common offence charged is illegal possession of a protected species (the lack of identification certificates may suggest that elephants are wild-caught) due to a lack of sufficient evidence of illegal trade or smuggling.

Despite the issues of registration, the system is considered to be a deterrent to prevent laundering of wild-caught elephants into the domesticated population and that verification through identification certificates is adequate.

The system is considered to help to verify that elephants are legally acquired, and determining parentage and offspring, and preventing false registration of elephants from illegal sources including both wild elephants from within the country and smuggled individuals from abroad.

Checks are made on elephant camps through verification of documentation compared to elephants. A DNA test may be taken in cases where suspicion is raised, however the authorities have faced some lack of cooperation from elephant owners in some camps and DNA testing is expensive (approximately 10,000 Baht per test), time consuming (approximately two weeks for a test result) and laboratories are scarce.

Thailand cooperates and where appropriate shares information through INTERPOL, WCO, ASEAN-WEN and CITES.

Vietnam

Country Summary

Vietnam has a very small population of wild elephants which may number less than 100 individuals. The captive population is a similar number and used for tourism. Vietnam does not consider significant threat of illegal trade in live elephants and does not see significant demand from captive facilities. However, whilst Vietnam has a registration system, microchipping and DNA is not used to ensure accuracy of records.

Wild Elephants

Estimates indicate that Vietnam has 100-110 wild elephants. These figures are derived from a survey project in areas of elephant habitat, mainly in central Vietnam. Methods include collating information from local government rangers, camera trap data and other observations.

Wild populations are considered to be generally stable, with a balance between births and mortality. Hunting of elephants has not been permitted in Vietnam since 1991.

Captive Elephants

Vietnam has approximately 70 captive elephants used for tourism and in zoos, with some owned by ethnic groups which have traditionally kept elephants. No elephants are used for labor, and there are no records of breeding of elephants in captivity for at least ten years.

The Ministry of Agriculture and Rural Development (MARD) is responsible for monitoring the captive elephant population. Private ownership is permitted mainly in zoos and rural communities. The registration system is managed by the Forest Protection Department (FPD) under MARD and monitored from provincial level.

Births and deaths of elephants must be reported to FPD, who manage the registration database at local level and collated nationally on a monthly and annual basis.

Since the captive population is relatively low, the use of microchips and DNA to determine accuracy of records are not used, and considered unnecessary with the current levels of captive elephants. Any irregularities such as elephants being introduced from the wild is considered to be straightforward to detect.

Management of Problem Elephants

Incidents of human elephant conflict are low. In 2013 an incident took place where six elephants were killed using poison. A subsequent police investigation determined that the elephants had been poisoned after they were suspected to have eaten crops.

In order to prevent such incidents, the authorities have issued guidelines with the intention of preventing human elephant conflict, including advice regarding protecting crops. Authorities can, if necessary kill problem elephants but this requires authority from the Peoples Committee and to date such action has to date been unnecessary.

Illegal Trade and Poaching

There is no record of Vietnam being a source, transit or destination venue for illegally traded live elephants. Sale of elephants within the country is prohibited, although transfer between owners is permitted.

It is acknowledged that there is a high level of demand for live elephants from zoos and an anticipated increase in demand for Asian elephants.

Legislation

Elephants are a protected species in Vietnam so there is a high level of protection. The trade in live elephants is covered under government Decree 160 (2013). The new Penal Code which comes into force in July 2016 includes an Article on elephant trade. XXX 233.234 Penalties for trading in elephants includes terms of imprisonment on a sliding scale depending on the severity. For example, illegal trade in 1-2 elephants may attract a prison sentence of five years imprisonment. Legislation applies to all elephants regardless of the country of origin and therefore adequately enforces CITES.

Vietnam has developed a Strategy to Conserve Vietnam's Elephants 2015 to 2020. The plan includes developing a center for conservation, ensuring habitat protection and better monitoring and enforcement. This government led initiative includes some assistance from NGOs on issues such as public awareness.

Enforcement

Whilst the illegal trade in ivory is challenging for law enforcement officers, the trade in live elephants is more considered to be more straightforward to enforce. In suspected cases of live elephant trade the Environmental Police would investigate with assistance and cooperation from the Forest Protection Department and Customs. There is no record of poaching for live elephants or deaths from human elephant conflict.

Approximately four years ago there was an incident where a domestic female elephant was killed and skinned. There was also an incident some three years ago where dried elephant trunk was seized and was considered to be transiting in the country. No other similar incidents have been recorded.

Appendices

CITES/IUCN Research on Trade in Asian Elephants

Questionnaire

Guide for completion:

- Please answer each question as thoroughly and completely as possible.
- Please include any supporting documentation or references as to where such information may be located.
- Where the question is not relevant, or the information is not available, please state “not applicable” or similar.

Thank you

POPULATIONS		
1	What are the population numbers in your country from 2010-2015 of:	
2	<u>Wild</u> elephants?	
3	<u>Captive</u> elephants?	
4	How are the above numbers assessed/measured?	
5	What are the main uses of captive elephants in your country? (e.g. labor, entertainment, trekking, conservation)	
6	Are your populations of wild elephants generally healthy or do threats exist?	
CAPTIVE ELEPHANT REGISTRATION		
7	Which Ministry and Department is responsible for monitoring your country's captive elephant	

	population?	
8	Does your country allow private ownership of captive elephants?	
9	Does your country have a formal captive elephant registration or monitoring system?	
10	Which government agency developed the registration/monitoring system?	
11	What stakeholder engagement was involved in the development of the monitoring system?	
12	How are new additions (new elephants) to the system assessed for accuracy?	
13	Please describe any challenges related to the registration/monitoring of captive elephants?	
14	Does the monitoring system help to control irregular trade in elephants?	
15	Does the system monitor movements of captive elephants within your country?	
16	How does the monitoring system help to conserve wild elephant populations?	
17	How is your country's current monitoring system relevant for overall elephant conservation a) in country, b) out of country?	
MANAGEMENT		
18	Under what circumstances are elephants removed from the wild in your country? e.g. human-elephant conflict, orphans	
19	Is there an official policy or regulation that provides guidance on this matter?	
20	What happens to elephants that are removed from the wild?	
TRADE		
21	To what extent is your country a source, transit or destination venue for live elephants?	
22	To what extent is your country a source, transit or	

	destination country for elephant ivory or other elephant parts?	
23	Does the country have a legal market/use of live elephants?	
24	Does the country have a legal domestic market for ivory?	
25	What methods are available to determine the origin of live elephants?	
26	What are the main trade routes and hotspots for live elephant trade in your country?	
LEGISLATION		
27	What national legislation governs the possession of and trade in live elephants?	
28	What national legislation governs the possession of and trade in elephant parts/products?	
29	What penalties are available for offences under the above legislation?	
30	Does your legislation related to live elephants adequately enforce CITES?	
31	What key gaps or issues are there in legislation?	
ENFORCEMENT		
32	What is the capacity for investigation of both minor and serious violations cases related to elephant trade?	
33	Which agencies are responsible for such investigations?	
34	Please provide numbers of incidents related to Asian elephant trade detected.	
35	To what extent does cooperation with other/neighboring countries take place to investigate elephant trade cases?	
36	How many violations of live elephant trade have been detected in the last five years? What charges were brought and penalties?	

37	What are the main enforcement challenges?	
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