

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Seventy-eighth meeting of the Standing Committee
Geneva (Switzerland), 3-8 February 2025

Species conservation and trade

Fauna

Elephants (Elephantidae spp.)

TRADE IN ASIAN ELEPHANTS (*ELEPHAS MAXIMUS*)

1. This document has been prepared by the Secretariat.
2. At its 19th meeting (CoP19, Panama City, 2022), the Conference of the Parties adopted Decisions 18.226 (Rev. CoP19), 19.107 and 19.108 on *Trade in Asian elephants* (*Elephas maximus*), as follows:

Directed to Parties in the trade in Asian elephants and their parts and derivatives

18.226 (Rev. CoP19) *All Parties involved in the trade in Asian elephants and their parts and derivatives are encouraged to:*

- a) *undertake, as necessary, investigations into the illegal trade in Asian elephants and their parts and derivatives, and endeavour to enforce, and where necessary improve, national laws concerning international trade in specimens of Asian elephants with the explicit intention of preventing illegal trade;*
- b) *develop strategies to manage captive Asian elephant populations;*
- c) *ensure that trade in, and cross-border movements of, live Asian elephants are conducted in compliance with CITES, including the provisions in Article III, paragraph 3, for Asian elephants of wild origin;*
- d) *collaborate in the development and application of a regional system for registering, marking and tracing live Asian elephants, requesting as necessary assistance from experts, specialized agencies or the Secretariat; and*
- e) *at the request of the Secretariat, provide information on the implementation of this Decision for reporting by the Secretariat to the Standing Committee.*

Directed to the Secretariat

19.107 *The Secretariat shall:*

- a) *request a report from Parties on the implementation of paragraphs a) through d) of Decision 18.226 (Rev. CoP19);*
- b) *subject to the availability of external funding, in collaboration with range States and other relevant stakeholders, develop requirements for a registering, marking, and tracing system for live Asian elephants, to be presented to Asian elephant range States with the aim of*

establishing a global system, or alternatively standardized national systems, for registering, marking and tracing live Asian elephants; and

- c) *report any information provided in response to Decision 19.107 paragraph a) and on the implementation of Decision 19.107 paragraph b), as well as findings and recommendations concerning trade in Asian elephants and their parts and derivatives as appropriate, to the Standing Committee.*

Directed to the Standing Committee

19.108 *The Standing Committee shall consider at its 78th meeting the information, findings, and recommendations, as per Decision 19.107, paragraph c), and make recommendations to the Secretariat and to Parties, and report to the Conference of the Parties at its 20th meeting, as appropriate.*

Implementation of Decisions 18.226 (Rev. CoP19) and 19.107, paragraphs a) and c)

3. The Secretariat issued [Notification to the Parties No. 2024/076](#) of 3 July 2024 inviting Parties involved in the trade in Asian elephants and their parts and derivatives to report on their implementation of Decision 18.226 (Rev. CoP19), paragraphs a) to d). The Secretariat received submissions from Japan, Thailand and the United States of America. The responses to Notification to the Parties No. 2024/076 received from Japan, Thailand and the United States are compiled in the language they were received, in an information document for the present meeting, while paragraphs 4 to 16 below are summary of their responses.

Japan

4. Japan reported that it conducts trade in live Asian elephants in compliance with CITES. When Asian elephants are to be transferred within Japan, organizations such as zoos are required to obtain prior permission from the government for this purpose, in accordance with the Act on Conservation of Endangered Species of Wild Fauna and Flora.
5. Regarding strategies to manage captive Asian elephant populations, the Japanese Association of Zoos and Aquariums (JAZA) continuously manages the population and breeding status of captive Asian elephants in Japan. Meetings are regularly held between JAZA officials and the zookeepers and other stakeholders to exchange information to further improve breeding techniques and environments.

Thailand

6. Thailand reported that Asian elephants within its territory are divided into two distinctive categories, wild elephants and captive elephants. Wild elephants are protected under the Wild Animal Reservation and Protection Act (WARPA) of 2019. As such, wild elephants in Thailand are fully protected and any commercial activities involving them are prohibited, including import, export, and domestic trade.
7. Captive elephants in Thailand are protected under the Draught Animal Act of 1939. These elephants are privately owned and the law requires owners to register them with the Department of Provincial Administration. Thailand provided details on the registration system which involves documenting and recording essential information about the elephant from the first year of its life and an elephant identification (ID) document is issued for each registered elephant. In case of change of physical characteristics, ownership, translocation or death of the elephant, the local registrar must be notified.
8. Thailand stated that, in the absence of an elephant ID document or if there are doubts regarding the elephant claimed to be associated with the ID document, additional verification actions are undertaken, including authentication of the ID document and paternity DNA tests. In the event of failure to prove the legality of an elephant, the animal is considered as a wild elephant and the provisions of the WARPA are applied.
9. Thailand further reported that the Animal Epidemics Act sets out its Department of Livestock Development (DLD) to be responsible for the management of permission for domestic trade, import, export and transit of captive elephants and its parts, including seminal fluid and embryos. In addition, captive elephants, including those used in the tourism industry, are protected under the Prevention of Cruelty and Animal Welfare Act of 2014 and the Agricultural Standards Act of 2008. Records of the elephants required under

these laws, for example on breeding, giving birth and medical care, serve as supplementary information in monitoring captive elephants and preventing illegal trade.

10. Thailand reported that the DLD is drafting an Elephants Act that will consolidate legislation relevant to elephants in Thailand, particularly legislation applicable to captive elephants.
11. Regarding export control, Thailand indicated that, in addition to a CITES permit, export of Asian elephants from Thailand requires permission to be granted in accordance with the Export and Import of Goods Act, as well as the Animal Epidemics Act. Permissions exclusively authorize the export of captive Asian elephants for research, conservation of Thai elephants, and fostering relations between nations. The Thai Ministry of Commerce, as the responsible authority for implementation of the Export and Import of Goods Act, granted authorization to the Department of National Parks, Wildlife and Plant Conservation to consider export requests involving live elephants. The Party noted in its report that it has not allowed the export of captive elephants since 2009, in accordance with a prohibition resulting from a Cabinet decision.
12. Regarding domestic ivory trade, Thailand reported that its Elephant Ivory Act of 2015 provides the legal framework for regulating trade in ivory sourced from captive elephants, requiring them to be registered. Applications for the registration of newly cut elephant ivory must be accompanied by a certificate of origin issued by registrars of the Draught Animal Act, which includes information regarding the elephant from which the ivory was sourced, along with a photo of the elephant as well as the size and weight of the ivory. Further, Thailand stresses that a written notification of change(s) related to the registered ivory is required, including for transfer of ownership and modification of the ivory.
13. In Thailand, a permit is required for trading in ivory at the domestic level and ivory traders are obligated to keep detailed records of their activities. These records must be provided to relevant authorities within specified timeframes. Upon selling ivory, the traders are required to issue sale certificate(s) to the customers for further registration. Thailand reported that any ivory trader who violates the Elephant Ivory Act of 2015 is punishable by imprisonment or fine.

United States of America

14. The United States of America reported on measures it has implemented in the context of the provisions of Decision 18.226 (Rev. CoP19). Regarding preventing and addressing illegal trade in Asian elephant specimens, over the past five years, the Office of Law Enforcement (OLE) of the United States Fish and Wildlife Service (USFWS) conducted 34 investigations that involved Asian elephant specimens. Most investigations resulted from cases detected at different ports of entry, which involved individual travellers as well as the mail system and courier services, resulting in seizures and civil fines.
15. The Party further elaborated on work conducted by OLE Special Agents within the country and abroad to investigate wildlife crime, including illegal trade in elephant ivory. The Party also reported on its international efforts to conserve elephants and other species, conducted through the USFWS International Affairs Office.
16. The Party in provided details on the strategies it implements related to the management of captive Asian elephants, and the measures it takes to ensure that imports of live Asian elephants are not detrimental to the survival of the species and that any proposed recipient of a living specimen is suitably equipped to house and care for it. To accomplish this, the United States of America follows criteria outlined in its implementing regulations, which outline the factors that are considered in making a non-detriment finding, including additional factors for Appendix-I species.¹ Further, it outlines the factors that are considered in making a finding that an applicant is suitably equipped to house and care for a live specimen.² Parties are invited to consult the full report received from the United States for more detailed information.
17. The Secretariat thanks the three Parties for their submissions, noting that only one response was received from an Asian elephant range State.
18. The Secretariat nevertheless considers that the responses received provides examples that could be drawn upon by Parties to strengthen their regulation of international trade in specimens of Asian elephants and cross-border movements of live Asian elephants, to ensure that it is conducted in compliance with

¹ <https://www.ecfr.gov/current/title-50/section-23.61>

² <https://www.ecfr.gov/current/title-50/section-23.65>

CITES. The responses received also highlight strategies that could be implemented domestically to manage captive Asian elephant populations and measures to prevent illegal trade.

Implementation of Decision 19.107, paragraphs b) and c)

19. To progress the implementation of Decision 19.107, paragraph b), the Secretariat hosted a meeting with range States from Southeast Asia in Prachuap Khiri Khan, Thailand, on 1 February 2024 through the CITES Monitoring the Illegal Killing of Elephants (MIKE) programme. The following Asian elephant range States from Southeast Asia participated in the meeting: Cambodia, China, Indonesia, Lao People's Democratic Republic, Malaysia, Thailand, and Viet Nam. Representatives from these Parties that attended the meeting included officials from CITES Management Authorities, customs administrations, or other relevant border control agencies responsible for inspections at international ports, facilitating legal trade in CITES-listed specimens and detecting and addressing illegal movement of such specimens.
20. The objective of the meeting was to discuss the implementation of the Decisions relating to Asian elephants with a focus on registration systems and processes used by Asian elephant range States in Southeast Asia to register live Asian elephants, as well as the provisions relating to trade in live Asian elephants and any associated challenges. It provided an opportunity for these Parties to share experiences regarding the management of trade in live elephants and their registration systems, potential common elements of registration systems and the information required to identify individual specimens that may be in international trade. More broadly, the meeting provided an opportunity to discuss challenges associated with the trade in live elephants and potential measures to address these.
21. Based on discussions at the meeting, the Southeast Asian elephant range States concluded that a regional or global system for registering, marking, and tracing live Asian elephants is not needed. Each range State should have their own national systems for registering, marking, and tracing live Asian elephants. Southeast Asian elephant range States however also concurred a number of key elements could be used in a standardized manner by all range States to facilitate the tracking of live Asian elephants, including those in international trade, as outlined in Annex 1 of this document.
22. The Secretariat reached out to range States in South Asia on 29 July 2024 to seek information on their respective registration systems and processes to register live Asian elephants and invited them to share their views on global or regional registration systems, or alternatively standardized national systems, for the registering, marking, and tracing of live Asian elephants. The Secretariat received one response from Bangladesh. The Secretariat thanks Bangladesh for its submission.
23. Bangladesh reported that its wild Asian elephant population is managed in accordance with the Bangladesh Elephant Conservation Action Plan (2018 - 2027) and that a 2015 report on the status of Asian elephants in Bangladesh estimates that there are 210 – 330 wild, 79 – 107 migratory and 96 captive elephants in the country.
24. The Party reported that it has a registration system in place for captive Asian elephants, which is implemented in accordance with Elephant Rearing Rules enacted in Bangladesh in 2017. These Rules establish a licensing system for the registration of privately owned captive elephants and the associated database is maintained by the Bangladesh Forest Department. At present, 38 captive elephants held by 22 licensed owners are registered in the database. The remainder of its captive elephants are in national zoos and government managed safari parks. In addition, Bangladesh reported that there are no elephants originating from the wild in captivity in the country and that all captive elephants were born in captivity.
25. The registration database of Bangladesh captures biological information of the captive elephants. The 2017 Elephant Rearing Rules includes a provision requiring captive elephants to be microchipped. This has not been done yet and the Bangladesh Forest Department will soon start implementation of this provision by microchipping captive elephants in the country. The 2017 Elephant Rearing Rules includes a provision requiring that captive elephants must have unique physical markings, but this requirement has not yet been implemented. Bangladesh is encouraged to inform the Secretariat once these provisions have been fully implemented. Lastly, Bangladesh reported that it does not gather or maintain any DNA profiles of its live Asian elephants.
26. The Secretariat further notes that Bangladesh did not share any views on the question regarding global or regional registration systems, or alternatively standardized national systems, for the registering, marking, and tracing of live Asian elephants. The Party also did not include information in its report regarding any key elements it considers should be included in such systems.

Conclusions of the Secretariat regarding the establishment of a global system, or alternatively standardized national systems, for registering, marking and tracing live Asian elephants

27. Based on the consultations outlined above, it seems that most Asian elephant range States prefer establishing standardized national systems for registering, marking and tracing live Asian elephants rather than establishing a global system. The Secretariat therefore concludes that it would be helpful to prepare a *List of key elements to be considered regarding registering, marking and tracing systems for captive Asian elephants* and encourage all Asian elephant range States to review the list and, where not yet done, consider inclusion of these elements in their national systems for registering, marking, and tracing of captive Asian elephants. The list presented in Annex 1 to the present document is based on the elements identified by the Southeast Asian elephant range States at the meeting described in paragraph 20 to 22 above. Should the list of key elements be agreed by the Committee, the Secretariat could make it available on the page on [Elephants](#) on the CITES website.
28. The Secretariat notes that some of the provisions in Decision 18.226 (Rev. CoP19) are already reflected in Article II and Article VIII of the Convention and in Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens*, including in paragraphs 13 and 14 of the Resolution, in which the Conference of the Parties:
13. *RECOMMENDS that Parties strengthen law enforcement and border controls to enforce legislation concerning the trade in elephant specimens;*
14. *RECOMMENDS that all elephant range States have in place legislative, regulatory, enforcement and other measures in place to prevent illegal trade in live elephants.*

In addition, some of the provisions in Decision 18.226 (Rev. CoP19) are already reflected in Resolution Conf. 11.3 (Rev. CoP19) on *Compliance and enforcement*, for instance paragraph 6.b) in the Resolution recommends that Parties:

- b) *evaluate or develop their domestic measures to ensure that they are sufficient to address the challenges of controlling legal wildlife trade, investigating illegal wildlife trade and punishing the perpetrators, giving high priority to the offer for sale of specimens of species listed in Appendix I;*

Paragraph 8.a) in Resolution Conf. 11.3 (Rev. CoP19) reminds Parties to:

- a) *ensure strict compliance, enforcement, and control with respect to all mechanisms and provisions of the Convention relating to the regulation of trade in CITES listed species, and of all provisions ensuring protection against the trafficking of these species;*

29. Based on the existing provisions and the proposals above, the Secretariat considers that it could monitor the matter of trade in Asian elephant specimens and bring any concerns in this regard that may arise to the attention of the Standing Committee in its reporting as required by paragraph 19 in Resolution Conf. 10.10 (Rev. CoP19). Should the Committee agree, Decisions 18.226 (Rev. CoP19), 19.107 and 19.108 can be proposed for deletion, as they have been implemented or are already present in Resolution Conf. 10.10 (Rev. CoP19) and Resolution Conf. 11.3 (Rev. CoP19).

Trade in and cross-border movements of live Asian elephants

30. Since CoP19 substantial work has been undertaken by the Secretariat on matters related to the trade in and cross-border movements of live Asian elephants, including the provisions in Article III, paragraph 3, for Asian elephants of wild origin. At SC77, the Standing Committee considered documents [SC77 Doc. 33.5](#) on *Application of Article XIII in China* and [SC77 Doc. 33.10](#) on *Application of Article XIII in the Lao People's Democratic Republic*, and as outlined under agenda items 33.5 and 33.10 of summary record [SC77 SR](#), agreed a number of recommendations regarding the trade in and cross-border movements of live Asian elephants involving these two Parties. The Committee also noted that China voluntarily suspended trade in live Asian elephants since 2019. In its recommendations to the Lao People's Democratic Republic, the Committee agreed that the Party should take measures to ensure that no live Asian elephants are exported until it is able to demonstrate to the satisfaction of the Secretariat that specimens to be traded with source code C comply with the definition of captive-bred specimens set out in Resolution Conf. 10.16 (Rev. CoP19) on *Specimens of animal species bred in captivity*. The Committee further agreed that the Lao People's Democratic Republic should take substantive steps to implement Decision 18.226 (Rev. CoP19) and requested the Party to report on the implementation of these and other recommendations to

the present meeting. These matters are addressed in document SC78 Doc. 33.8 on the *Application of Article XIII in the Lao People's Democratic Republic*.

31. The Secretariat notes that, during the meeting described in paragraphs 19 to 21 above, representatives from national customs administrations and authorities responsible for border controls at international ports in Southeast Asia strongly emphasized that further training on identification of elephant ivory and other elephant specimens in trade is needed urgently. Linked to this, the need for training on sample collection from ivory seizures and seizures of other elephant specimens for forensic analysis, as well as associated chain of custody procedures to enable eventual use of analyses results in court was identified. Such training could significantly contribute to better prevention and detection of illegal trade, as well as to the resulting investigations. Considering this, the Secretariat proposes draft decision 20.AA, paragraph a), as presented in Annex 2 to the present document.
32. During the meeting in Thailand, following engagement with Asian elephant range States in Southeast Asia, it became apparent that the interpretation of what was considered as a "captive-bred" Asian elephant in accordance with the Convention and the definition of "captive-bred" in Resolution Conf. 10.16 (Rev. CoP19) differed among Asian elephant range States. To ensure that the Convention is applied consistently among the Asian elephant range States, the Secretariat proposes to develop a fact sheet on this topic to explain the provisions of the Convention and relevant Resolutions in a simple and visual manner. The Secretariat therefore proposes draft decision 20.AA, paragraph b), as presented in Annex 2 to the present document.

Recommendations

33. The Standing Committee is invited to:
 - a) note the responses to Notification to the Parties No. 2024/076 and invite Parties to draw upon the information provided in these responses to explore opportunities to further strengthen controls, oversight and monitoring of Asian elephants, including those in international trade, and to address illegal trade;
 - b) regarding the *List of key elements to be considered regarding registering, marking and tracing systems for captive Asian elephants* presented in Annex 1 to the present document:
 - i) consider if any additional elements might be needed and endorse the list, once finalized; and
 - ii) encourage Asian elephant range States where any of the elements in the list are not yet included in their national systems for registering, marking, and tracing captive Asian elephants to include such elements to facilitate strengthened controls and oversight regarding captive elephants, including those in international trade;
 - c) request the Secretariat to monitor trade in Asian elephant specimens and to bring any matters of concern that may arise to the attention of the Standing Committee in its reporting as required by paragraph 19 of Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens*;
 - d) review and submit draft decision 20.AA, as presented in Annex 2 to the present document, to the Conference of the Parties; and
 - e) recommend to CoP20 that Decisions 18.226 (Rev. CoP19), 19.107 and 19.108 on *Trade in Asian elephants* (*Elephas maximus*) can be deleted, as they have been implemented or are already present in Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens* and Resolution Conf. 11.3 (Rev. CoP19) on *Compliance and enforcement*.

LIST OF KEY ELEMENTS TO BE CONSIDERED
REGARDING REGISTERING, MARKING AND TRACING SYSTEMS FOR CAPTIVE ASIAN ELEPHANTS

The Standing Committee at its 78th meeting (SC78, Geneva, 2025), endorsed the following *List of key elements to be considered regarding registering, marking and tracing systems for captive Asian elephants*. Asian elephant range States, when reviewing their existing national systems or considering the establishment of a new national system, are encouraged to where any of these elements are not yet included in their national systems for registering, marking, and tracing of captive Asian elephants, consider inclusion of these elements to facilitate strengthened controls and oversight regarding captive Asian elephants, including those in international trade.

1. National legislation or regulations making the registration of each individual captive Asian elephant (elephant) mandatory should be implemented.
2. A captive elephant registration database must be established and maintained by an appropriate governmental agency.
3. It should be compulsory to register and record in the database, any elephant born in captivity, within the first year from the date the animal was born.
3. An elephant identification document should be issued for each registered captive elephant, containing as a minimum, the following information:
 - i) a unique identification number;
 - ii) date of birth;
 - iii) sex
 - iv) parentage;
 - v) a detailed description of unique physical markings;
 - vi) a detailed description of any unique identifying characteristics;
 - vii) the weight and size of the elephant at the time of registration;³
 - viii) photos of the animal;⁴ and
 - ix) full details about the owner of the animal, including name, address and contact details, as well as records of any ownership transfer or translocation.
4. The following are elements that all Asian elephant range States should endeavour to include in their registration systems, if not yet done:
 - i) microchipping of all captive elephants to facilitate identification through a unique microchip number; and
 - ii) establishing a database containing the DNA profile of each elephant in captivity.

³ It should be compulsory to update the registration database and elephant identification document if any significant changes occur, i.e. as the elephant matures.

⁴ It should be compulsory to update the registration database and elephant identification document with new photos if any significant changes occur, i.e. as the elephant matures.

5. Registration systems should make it compulsory for elephant owners to report:
 - i) change of ownership;
 - ii) translocation of captive elephants;
 - iii) change of physical characteristics;
 - iv) change of unique markings;
 - v) death of elephants, within one month of the date of death; and
 - vi) for live elephants in international trade, the CITES permit information (purpose and source codes, importer, exporter, permit number, date of issuance and validity date).
6. Legislation or regulations should make provision for strict measures to be taken and penalties to be imposed on elephant owners that do not comply with any of the registration system requirements.

DRAFT DECISIONS ON *ASIAN ELEPHANTS* (*ELEPHAS MAXIMUS*)

Directed to the Secretariat

20.AA Subject to extrabudgetary resources, the Secretariat shall:

- a) work with its partners in the International Consortium on Combating Wildlife Crime (ICWC) and relevant experts to provide training to authorities from Asian elephant range States on the identification of ivory and other elephant specimens, sample taking from ivory seizures and seizures of other elephant specimens for forensic analysis and associated chain of custody procedures; and
- b) develop a fact sheet to facilitate consistent interpretation of what constitutes a “captive bred” Asian elephant in accordance with the provisions of the Convention and relevant Resolutions and make the fact sheet available to Parties to draw upon and use as needed.