

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

RESPONSES TO NOTIFICATION TO THE PARTIES NO. 2024/076 ON  
TRADE IN ASIAN ELEPHANTS (*ELEPHAS MAXIMUS*)

1. This document has been submitted by the Secretariat in relation to agenda item 65.6.<sup>1</sup>

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<sup>1</sup> *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

## Responses from Parties to Notification to the Parties No. 2024/076

### *Japan*

#### Report on Trade in Asian elephants (*Elephas maximus*)

Regarding the Notification to the Parties No. 2024/076 dated 3 July 2024, Japan would like to report the fact that trade in live Asian elephants is conducted in compliance with CITES, and the current situation with respect to b) of Decision 18.226 (Rev. CoP19).

In Japan, the Japanese Association of Zoos and Aquariums (JAZA(※)) constantly manages the population and breeding status of captive Asian elephants and meetings are also held regularly where zookeepers and others from all over Japan gather to exchange information to improve breeding techniques and environment.

In addition, when Asian elephants are to be transferred within Japan, in principle, organizations such as zoos (except those that have received approval in advance) are subject to acquire prior permission from the government, according to the Act on Conservation of Endangered Species of Wild Fauna and Flora ( ACES ) .

(※) JAZA, founded in 1939, is a venerable professional organization that has contributed to the development of zoos and aquariums in Japan, and has also promoted cooperation and collaboration with other countries.

**Thailand's response to Notification 2024/076**  
**Trade in Asian elephants (*Elephas maximus*)**

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Asian elephants (*Elephas maximus*) in Thailand can be categorized into two legal status:

- Wild elephants are protected animals under the Wild Animal Reservation and Protection Act (WARPA) 2019. This category of the elephant is thus fully protected by the WARPA. Commercial exploitations of specimens of wild elephants are prohibited, including import, export, and domestic trade.

- Captive elephants are considered as draft animal under the Draught Animals

Act 1939. These elephants are privately owned. Registration of these elephants with Department of Provincial Administration is mandatory under the law. The registration is currently carried out during the first year of the elephant's life. This process involves documenting and recording essential information about the elephant, e.g. birthdate, parentage, unique identifying characteristics. The registered elephants will have an elephant identification document containing elephant individual information (e.g. name, sex, ID number, microchip number, DNA reference, tusk presence, photos) and ownership details (e.g. records of transfer and translocation). Notifications are required for change of ownership, translocation, and change of physical characteristics, and death of elephants have to notify the local registrar for updating the ID document. The information in the elephant ID document enables the verification of an elephant's legality if needed. Absence of the elephant ID document or doubts regarding the claimed elephant ID document. Further actions include verification of the document and paternity DNA test. When failure to prove the legitimacy, the elephant is considered as a wild elephant, leading to a violation of WARPA in related protected species, e.g. illegal acquisition/possession, illegal import.

Department of Livestock Development (DLD) has important role in regulating the captive elephants, as authorized under the Animal Epidemics Act. Provisions under the Animal Epidemics Act involve permission requirement for domestic trade, import,

export and transit of elephants and its parts, including seminal fluid and embryos. Interprovincial movements of the elephants and its parts require prior permission and individual marking. In addition, Control of captive elephants benefits from provisions specified in the Prevention of Cruelty and Animal Welfare Act of 2014 and the Agricultural Standards Act of 2008, particularly for elephants used in the tourism industry, especially for elephants used in tourist businesses. Relevant records of the elephants required under these laws (e.g. breeding, giving birth, medical care) serve as supplementary information in monitoring captive elephants and preventing the illegal trade along with the other legislation.

The Department of Livestock Development (DLD) is drafting the Elephants Act to consolidate relevant elephant laws, particularly those related to captive elephants. The draft covers a wide range of provisions, including the establishment of a national committee, elephant registration and mahouts (keepers), regulation of elephant entrepreneurs, registration of elephant parts and derivatives, trade regulations, as well as the import and export of elephant specimens.

Regarding the export control, in addition to CITES permit, export of Asian elephants is required permissions under Export & Import of Goods Act and Animal Epidemics Act. Regulations issued under the Export & Import of Goods Act exclusively permit the export of captive Asian elephants for research, conservation of Thai elephants, and fostering relations between nations. The Ministry of Commerce, the responsible authority of the Export & Import of Goods Act, has granted authorization to Department of National Parks, Wildlife and Plant Conservation (DNP) for the consideration of the export of live elephants. This is to ensure any export permission of the captive elephants is in compliance with CITES provisions as Appendix I species.

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Since 2009, Thailand has not allowed the export of captive elephants. This prohibition is based on a decision made by the Cabinet.

Regarding the domestic ivory trade, the Elephant Ivory Act 2015 provides legal framework in regulating trade in ivory sourced from the captive elephants. The Act requires ivory to be registered. Registration of newly cut elephant ivory must be

accompanied by a certificate of origin for elephant ivory issued by registrars of the Draught Animal Act. The certificate provides information around sourced elephant and photo, size and weight of the obtained ivory, to ensure legality of the domesticated ivory. Further, a written notification of change(s) related to the registered ivory is required, including transfer of ownership and modification of the ivory. Permit is required for domestic trade of the ivory. Ivory traders are obligated to keep accounts and submit copies to the officials at the specified timeframe. Upon selling ivory, the ivory traders are required to issue sale certificate(s) to customers for further registration. Any ivory trader that violates the Act shall be liable to imprisonment of not exceeding three years or a fine not exceeding six million baht ( $\approx$  USD 173,000) or both.

In term of the collaboration, Thailand attended the Meeting on Trade in Asian elephants (*Elephas maximus*) in Southeast Asia, held in Prachuap Khiri Khan, Thailand on February 1, 2024. Along with other participated Asian elephant range States, we share information on the captive elephant management, including legislation and registration system used in Thailand. The meeting discussed potential development of a regional system for registration and tracing live Asian elephants in trade.

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**Notification to the Parties No. 2024/076 Trade in Asian elephants (*Elephas maximus*)**

**U.S. response (August 15, 2024)**

Measures undertaken by the United States to implement Decision 18.226 (Rev. CoP19) on *Trade in Asian elephants* (*Elephas maximus*)

**Investigations into the illegal trade in Asian elephants and their parts and derivatives, and U.S. efforts to prevent illegal trade in Asian elephant specimens**

The U.S. Fish and Wildlife Service's Office of Law Enforcement (OLE) conducted 34 investigations into the illegal trade of Asian elephants, their parts, and derivatives over the past five years. There are two investigations that are still ongoing, under active investigation. Most of these investigations originated at the various U.S. ports of entry, and violations were identified in passenger environments from individual travelers or from imports utilizing the mail system and courier services that transit the ports of entry. From these investigations, OLE seized 13 pieces of ivory jewelry, 70 pieces of ivory carving, five pieces of teeth (excluding tusks), 2,574 pieces of skin, 15 strands of hair, three elephant feet, 16 pieces of meat, 22 pieces of tissue samples, four bones and 34 pieces of other unspecified parts. In addition to the seizures, three of these investigations resulted in the assessment of civil fines totaling USD \$16,417.

OLE combats the illegal trade in Asian elephant specimens and other species in many ways. Our Special Agents investigate wildlife crime, including the illegal trade in elephant ivory, within the United States and abroad, often in close coordination with our other federal counterparts and international partners. Wildlife Inspectors at the ports of entry facilitate the robust legal wildlife trade while interdicting illegal wildlife and wildlife products. OLE Headquarters and the National Fish and Wildlife Forensics Lab staff collect intelligence, analyze forensic evidence, train domestic and international counterparts, and educate the public and stakeholders about the importance of conserving elephants and other threatened or endangered species.

The U.S. Fish and Wildlife Service's International Affairs office coordinates domestic and international efforts to conserve elephants and other species of international concern. That includes providing financial and technical assistance for elephant conservation efforts through its conservation grants programs – the African Elephant Conservation Fund and Asian Elephant Conservation Fund.

**U.S. strategies related to the management of captive Asian elephants and measures 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**

Prior to importing live Asian elephants into the United States, the U.S. Division of Scientific Authority ensures that such imports 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, we follow criteria outlined in our implementing regulations at 50 CFR 23.61 (<https://www.ecfr.gov/current/title-50/section-23.61>) and 23.65 (<https://www.ecfr.gov/current/title-50/section-23.65>). Our regulations at 50 CFR 23.61 outline the factors that are considered in making a non-detriment finding, including additional factors for Appendix-I species. Our regulations at 50 CFR 23.65 outline the factors that are considered in making a finding that an applicant is suitably equipped to house and care for a live specimen. Specific criteria is as follows:

Factors considered in making a non-detriment finding in 50 CFR 23.61:

- 1) Biological and management information demonstrates that the proposed activity represents sustainable use.
- 2) The removal of the animal or plant from the wild is part of a biologically based sustainable-use management plan that is designed to eliminate over-utilization of the species.
- 3) If no sustainable-use management plan has been established, the removal of the animal or plant from the wild would not contribute to the over-utilization of the species, considering both domestic and international uses.
- 4) The proposed activity, including the methods used to acquire the specimen, would pose no net harm to the status of the species in the wild.
- 5) The proposed activity would not lead to long-term declines that would place the viability of the affected population in question.
- 6) The proposed activity would not lead to significant habitat or range loss or restriction.

Additionally for Appendix-I species such as Asian elephants, we consider whether the proposed activity:

- 1) Would not cause an increased risk of extinction for either the species as a whole or the population from which the specimen was obtained.
- 2) Would not interfere with the recovery of the species.
- 3) Would not stimulate additional trade in the species. If the proposed activity does stimulate trade, we will consider whether the anticipated increase in trade would lead to the decline of the species.

Factors that are considered in making a finding that an applicant is suitably equipped to house and care for a live specimen in 50 CFR 23.65.

We consider the following factors in evaluating suitable housing and care for wildlife:

- 1) Enclosures constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.
- 2) Appropriate forms of environmental enrichment, such as nesting material, perches, climbing apparatus, ground substrate, or other species-specific materials or objects.

### **U.S. processes followed to determine that any live Asian elephants imported into the United States will not be used for primarily commercial purposes**

Generally speaking, the U.S. Division of Management Authority, makes the determination that an import of an Appendix-I specimen is not primarily for commercial purposes in accordance with U.S. CITES implementing regulations at 50 CFR 23.62 (<https://www.ecfr.gov/current/title-50/section-23.62>), consistent with Resolution Conf. 5.10 (Rev. CoP19) on *Definition of 'primarily commercial purposes.'* The determination will be based on information provided by the applicant and dependent on the intended use of the specimen and risk factors as outlined in 50 CFR 23.62(d). If there is a high risk of the purpose being primarily commercial, we may consider anticipated revenues and use of funds as outlined in 50 CFR 23.62(e). If the U.S. Management Authority, in consultation with the U.S. Scientific Authority, determines that all criteria are met, the CITES document will be issued.

Specific to live Asian elephants, applications for import are primarily submitted by zoological institutions that breed the species according to the recommendations of a breeding plan such as a Species Survival Plan of the Association of Zoos and Aquariums. In addition to importing live Asian elephants to maintain a genetic refugium, U.S. importing institutions typically uses funds for *in-situ* conservation efforts of the species or scientific research that will benefit the wild populations. Such information is typically provided to meet criteria under the Endangered Species Act as the Asian elephant is listed as

Endangered and also informs our determination that the import will not be for primarily commercial purposes.

The Asian elephant is listed as Endangered under the U.S. Endangered Species Act. In addition to the CITES requirements for authorizing the import of live Asian elephants into the United States, under the ESA the U.S. Fish and Wildlife Service must also evaluate the circumstances of the proposed activity and determine that it will enhance the survival of the species.