

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



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IVORY TRADE CONTROL IN THAILAND

This document has been submitted by CITES Management Authority of Thailand in relation to agenda item 46.2 on *Ivory trade control in Thailand*.

Report on implementation of the Resolution Conf. 10.10 (Rev. CoP15), Control of trade in elephant specimens.

Thailand was requested by SC61 to submit a written report at SC62 describing progress in regulating internal trade in ivory and combating illegal trade in ivory in response to Resolution Conf. 10.10 (Rev. CoP15) regarding control of internal ivory trade.

**Measures taken by Thailand**

**a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;**

1. As recommended by the Resolution, using the Commercial Registration Act of the Ministry of Commerce, ivory business is now one of twelve business types required to register under the law. That is, all ivory traders which include retailers, wholesalers and carving businesses shall register their businesses with designated offices.

The registration could provide information on details of entrepreneurs and store locations throughout the country. The registration took effect since 2008 and is undertaken by the Ministry of Commerce (Department of Business Development - DBD). Then, this task has been transferred to the Local Administration Authorities since May 2008 and January 2011 due to decentralized policy. Later, in 2009, the Ministry of Commerce empowered DNP's officials to take responsibility for inspection of ivory registration. The first priority on inspection of ivory registration is made to Nakorn Sawan and nearby provinces where the ivory carving entrepreneurs exist. At present, at least 67 traders have been registered (16 by Bangkok, 30 by DBD and 21 by Nakorn Sawan and Uthai Thani Province). Training and meeting among related authorities and traders have been held to build awareness in this responsibility.

Additionally, trade in raw ivory is needed to be permitted by Department of Livestock Development (DLD), Ministry of Agriculture and Cooperatives. By this law, officers may examine legal acquisition of raw ivory.

The trade permit is mentioned under the Animal Epidemic Act 1956 which also controls of all live or dead specimens and parts of animals including elephants. The permit is valid within 1 year. Another permit is a movement permit which control the movement of elephant specimens from place to place and valid for one consignment only. Since 2009, DLD has employed the electronic system called "e-movement" to check movement of ivory within the country. The movement permit is issued by DLD office in the province of origin

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and will be checked by DLD office in the province of destination and then the complete record will be shown at the DLD Headquarter in Bangkok. To date, there are 27 and 13 movement permits recorded in 2011 and 2012 respectively. Since 2008, DLD has emphasized its officials to determine legal acquisition of ivory before permit issuance.

**b) establish a nationwide procedure, particularly in retail outlets, informing tourists and other non-nationals that they should not purchase ivory in cases where it is illegal for them to import it into their own home countries; and**

2. Thai government continually informs tourists not to purchase ivory from Thailand. Raising public awareness campaigns have been carried out in various ways and many tourist attraction areas and other ivory trade hotspots in the country. Here are some examples of public relation activities done by Thai government and non-government organizations:

- DNP launched a special campaign against illegal ivory trade “ Buy Ivory Buy Trouble” at Suvarnabhumi Airport on March 2, 2010. The campaign aims to build awareness on illicit trade in ivory. The exhibitions were displaying over 3 months after the opening. In this event, TRAFFIC Southeast Asia supported funding for producing 1000 pins, 1000 name tags and 1000 stickers (English-Thai) as publication media. Rest of media funded by TRAFFIC mentioned above has been used in later public relation. The stickers were distributed to DNP provincial offices to hand to ivory shops in their responsible areas over the country.

- A semi-permanent booth is set up and has been operating regularly every weekend days at the Chatuchak weekend market since 2009. The market is one of the most tourist attractions in Thailand, and approximately 50% of visitors coming to the market are foreigners. The Chatuchak weekend market is thus one of focus areas for public relation. This program aims to promote understanding of wildlife conservation, and against illicit trade in wildlife. Events are conducted occasionally along with routine public relation program. Information on ivory trade control has been introduced in various ways in order to make sure it will be accessible by target tourists.

- Tourists visiting ivory shops, in particular Nakorn Sawan and Surin, are acknowledged of warning sticker and poster posted within the shops. Simultaneously, ivory entrepreneurs have been informed provisions of trade in ivory must be done domestically. Warning information was also conveyed to non-nationals via Thai embassies and consulates around the world. Printing media are available at international airport as routine manner.

- In 2010, DNP printed 20,000 leaflets (Bilingual English-Thai) and 4,000 posters (Multilingual Thai-English-Chinese- Japanese) to convey warning message to public and visitor. Other 20,000 copies of the leaflets reprinted in 2011.

- In 2010, DNP with funding support by TRAFFIC Southeast Asia produced 500 ivory identification posters (Thai) to serve as photographic guide on ivory types and ivory substitutes. The poster mostly handed over to officials both DNP and other relevant enforcement authorities e.g. police and customs.

- In 2011, DNP produced banners printed in Thai campaigning against using ivory product as amulet, and distributed to regional office for posting in public areas.

- Year 2012, DNP produces 20,000 copies of leaflet containing information on Thai ivory and elephant legislations in Bilingual English-Thai. DNP intends to continue work on public relation, in particular to reach target foreign tourists. A multi-language set of video, aiming to inform tourists not to buy illegal wildlife and ivory, is under processing, in 6 languages, i.e. Thai, English, Japanese, Chinese, Korea and Russian. DNP is also planning to raise understanding among traders and domesticated elephant owners regarding on ivory trade and legal acquisition of domesticated ivory that needed to proved prior being source of internal trade of ivory.

**c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the flow of ivory within the State, particularly by means of:**

- i) compulsory trade controls over raw ivory; and**
- ii) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;**

3. By registration under the Commercial Registration Act 1956, the ivory entrepreneurs are directed by the ministerial order under the Account Act 2000, to record and keep their accounts and documents relevant for examination by designated officers. The ministerial order took effect on March 5, 2009. The accounts conducted by the entrepreneurs include stock account to be kept along with documents used in the entry of account. The entrepreneurs are responsible to maintain their accounts and the documents at least 5 years for inspection. The relevant documents for entry of the account include copy of physical characteristics document that link to source of raw ivory. Only ivory originated from domesticated elephants under the Draught Animal Act is able to be traded domestically. Inspector may appoint document types and details required for entry of account in order to prove legal acquisition of raw ivory. Source and flow of ivory is therefore reflexive with the record and documents required by the Account Act. Under the existing wildlife law, wild Asian elephant is a "protected species" that any commercial exploitation of all its specimens is prohibited, while African elephant is not "protected species" under the wildlife law but required permit both for import and export. However, Thailand does not allow import-export of African elephant for commercial purpose. Therefore no ivory from either wild Asian elephant or African elephant is allowed being source of tradable ivory.

Under the Commercial Registration Act and the Account Act, DNP officials are designated to be inspector under these laws in order to have power to examine the accounts and business. With new designation of DNP officer under the Account Act, DNP organized workshops to raise understanding among the roles and authorities of inspectors and build up awareness on ivory trade among ivory sellers, the sellers were invited to the workshop and learned about new responsibilities required by laws to register the business and conduct accounts. Supported capacity buildings are as followed

- ETIS and Ivory Identification Workshop for DNP officials and ivory traders on August 26-28, 2009, at Nakornsawan province
- ETIS and Ivory Identification Workshop for DNP officials on September 9-11, 2009, at Saraburi province
- ETIS and Ivory Identification Workshop for DNP officials and ivory traders on January 26-29, 2011, at Surin province

Practical meetings among relevant officials were carried out to enable them to conduct new task as account inspector. Nakorn Sawan is an important manufacture site of ivory and thus is priority area for conducting intensive examination. Inspections have been done in period of a last couple year both by local DNP and DNP CITES MA officials. Accounts have been done and maintained by the ivory shop owners as required, along with documents presenting source of ivory. Officials provided advices and recommendation for ivory businesses during initial phase of inspection. Regular inspection is ordered to be undertaken for monitoring the nature of trade. However, because of a new task of inspection to DNP officials, a more comprehensive training is needed.

### **Legislation amendment**

4. While using existing laws and legislations regulating ivory trade, Thailand does recognize that the most effective measure to control internal trade in ivory needs a principal law to empower officials to carry out complete enforcement activities. At present, two new acts i.e. Wildlife Conservation Act and Elephant Act are in process of amending and, due to logistic and legal issues; it would take times for accomplishing necessary processes. Both acts covering arrays of conservation and management needed a certain period of time to be approved by public and legal process in comply with the Constitution of the Kingdom of Thailand.

5. Thailand recognizes that the illegal ivory trade is a serious issue and needs effective measures to be implemented. Therefore, after consultation with the authorities concerned on legal issues i.e. the Council of State, on June 8, 2012, Minister of Natural Resources and Environment proved of listing African elephant as "protected species" under the existing Wildlife Act. By listing as protected species, all kinds of uses are strictly limited in analogous to provisions of trade in CITES appendix I species. Hunting, breeding, possession, trade, import and export of specimens of African elephant, including ivory, are strictly prohibited with exclusive exemption for purposes of scientific, conservation, breeding and zoo. These provisions will completely eliminate

practical obstacles in law enforcement of problematic African ivory. Examples of protected species under the law are mostly endangered such as tiger, bears, Asian elephant, crocodiles, turtles and hornbills.

The process in listing a species as protected species can be addressed by authority of Ministry of Natural Resources and Environment with approval of the Wildlife Conservation National Committee which take much less times.

With concerns encountered about live domesticated elephant in Thailand, this year, Department of Provincial Administration (DPA) under the Ministry of Interior agreed to amend certain provisions of the Draught Animal Act 1939 to improve control efficacy of live domesticated elephants, in particular marking technique for identification, detailed physical characteristics document, and document of individual carcass and ivory. The amendment is in the process and it is derived from the agreement resulting from the meeting between the executives of DNP and DPA who registers domesticated Asian elephants. Moreover, DPA has drafted an amendment of ministerial regulation on registration of draught animal under existing Draught Animal Act. This regulation will provide stricter measures in registration process and change form of physical characteristics document that allow to include identification number and other details of physical characteristics including ivory characteristics, with accompanying a set of individual photos. This drafted regulation has beneficiary on ivory control by subjecting to have certification accompanying tusk either cut from live elephants or obtained from dead ones, and inspection must be conducted by relevant authorities before issuing any such certificate. The certificate thus is an important document proving legal acquisition of ivory that may later flow to market.

While process of legal enactment is carrying on, in administrative direction, Ministry of Interior (which commands DPA) has ordered to governors throughout the country, particularly bordering provinces, in taking serious actions on examining legal source of elephant before registration. Moreover, a set of photo of individual domesticated elephant throughout the country are gathering, along with collecting of blood and tissue samples as genetic materials for further action if needed.

### **Supports to combat illegal trade in ivory**

6. Ivory identification is an important problem obstructing effectiveness of enforcement. A team of DNP scientist now succeeds in identifying elephant species from confiscated ivory products. By using mitochondrial DNA sequence of Cytochrome b gene, samples of ivory can be identified into elephant species and subspecies of African elephants. The research is recently published in chapter 16 of the book "Wildlife Forensics: Methods and Application", edited by Jane E. Huffman – East Stroudsburg University & John R. Wallace – Millerville University, USA. This achievement would greatly support enforcement activities in Thailand.

This research originates from a confiscation case of ivory product (Lucky Dice Case) by the U.S. Customs and Border Protection in November 2006. The ivory product was sent by post parcel from Thailand to USA (California). The items were sent to USFWS forensic lab, all identified as African elephant ivory. In June 2007, with financial support by Freeland foundation and ASEAN-WEN, two scientist from DNP were sent to learn on DNA Ivory Identification at USFWS forensics lab in Ashland, Oregon. In May 2009, the Royal Thai Police requested DNA Lab of DNA to run a DNA test on the ivory items from the undercover purchase. The result of this investigation brought defendant to trial afterward. The defendant was judge guilty and sentenced in total of 2 – year imprisonment and 120,000 baht fine. The defendant has confessed, therefore; the penalty is reduced to 1 year imprisonment and 60,000 baht fine. Considering the Defendant has never been imprisoned before, Court decided he should be granted a chance to right himself. The sentence of imprisonment is suspended for period of 2 years according to the Criminal Code. He would be under probation and needs to report himself once every 4 months within the first year.

At present, DNP and University of Washington, with collaboration of Lusaka Agreement, is carrying on a research to extract DNA from the African ivory seized in Thailand to determine which elephant population of the ivory came from. This study can be useful for further attempt in law enforcement done by relevant authorities.

7. Thai Customs has had 17 cases of confiscation of illegal import-export ivory since 2008. Seized ivory are belong to government and has been kept by DNP and Customs. Each confiscated tusk/pieces has two individual marking numbers i.e. a number of destructive label and punched number, accompanying by information on size (weight and length), along with a photo set of individual. All confiscated ivory, by law, belong to the government, and keep in a security manner. The ivory kept at DNP is under 24-hour security with guards and closed-circuit television system. Seizures of ivory are successful with close-cooperation among enforcement authorities in particular Customs, Police and DNP. Base on legislation and an administrative perspective, Thai government fully assures the confiscated ivory is not allowed to be sources of ivory trade.

## **Conclusion**

8. With combination of enacted laws and regulations, measures of domestic ivory trade control include establishing registration system, raising public awareness, and introducing record and inspection procedures. Thailand therefore would assure our measures being taken would fulfill requirements needed for regulating domestic ivory trade under Res. Conf.10.10. Furthermore, efforts to improve effectiveness of enforcement by appointing African elephant as “protected species” is prioritized approaching to enable Thailand to strengthen its effectiveness to curb illicit trade of ivory in Thailand. Particularly, the close cooperation and collaboration among Thai authorities concerned shows a strong commitment of Thailand to combat illegal ivory trade.