

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



Sixty-third meeting of the Standing Committee
Bangkok (Thailand), 2 March 2013

Interpretation and implementation of the Convention

Species trade and conservation

Elephants

ELEPHANT CONSERVATION, ILLEGAL KILLING AND IVORY TRADE

1. This document has been prepared by the Secretariat.

Background

2. At its 62nd meeting (SC62, Geneva, July 2012), the Standing Committee adopted a number of recommendations concerning elephant conservation, illegal killing and ivory trade on the basis of information provided in document SC62 Doc. 46.1 (Rev. 1). These included the following:

Parties identified in the ETIS analysis as being involved in substantial illegal ivory trade as a source, transit, or destination country are requested to submit a written report, by the deadline for the submission of documents for consideration by the Standing Committee at its 63rd meeting (1 January 2013), on their implementation of the provisions of Resolution Conf. 10.10 (Rev. CoP15) and Decision 13.26 (Rev. CoP15) concerning their controls of trade in ivory, including measures to control domestic ivory trade.¹

The Secretariat shall evaluate the reports submitted in compliance with the recommendation in paragraph [6. d) of document SC62 Doc. 46.1 (Rev. 1)], and convey its findings and recommendations to the Standing Committee at its 63rd meeting.

3. In November 2012, the Secretariat wrote to the Parties concerned, reminding them of the recommendations of the Standing Committee and inviting them to submit their written reports.
4. To reiterate the importance of this matter, the Secretariat invited the Permanent Missions of these eight Parties in Geneva to a special briefing on 20 November 2012. Representatives of China, Malaysia, the Philippines and Thailand attended the briefing, which was fruitful and constructive.
5. At the time of writing of this document (late January 2013), the Secretariat had received written reports from China, Hong Kong SAR and Thailand, which are annexed to this document.
6. The Secretariat has brought the present document to the attention of Kenya, Malaysia, the Philippines, Uganda, the United Republic of Tanzania and Viet Nam, inviting them to provide their written reports to the present meeting.

¹ Kenya, Uganda and the United Republic of Tanzania were identified as source countries; Malaysia, the Philippines and Viet Nam as transit countries; and China and Thailand as destination countries. In addition, Hong Kong SAR was considered an important transit place.

Evaluation of the reports

7. The Secretariat commends China for the numerous enforcement activities that it has undertaken, and it also welcomes the report submitted by Hong Kong SAR (see Annex 2). The Secretariat has also learnt of a number of significant ivory seizures that were made in Hong Kong SAR since SC62. While these seizures reflect good enforcement efforts, the large quantities of illegal ivory that seem to be destined for China nevertheless raise concerns.
8. The Secretariat would like to take this opportunity to encourage Hong Kong SAR to provide at the present meeting more detailed information on activities conducted to combat illegal domestic trade in ivory.
9. The Secretariat encourages China to continue to organize enforcement activities through its National Inter-agency CITES Enforcement Coordination Group (NICECG)². It also encourages authorities to increase their use of specialized techniques in the investigation of wildlife crime. While investigations often end at the point of seizure, the increased use of these techniques could significantly impact organized crime groups and their activities, by ensuring that the entire crime chain is addressed, from countries of origin and transit to countries of destination.
10. The Secretariat also welcomes the Asia-Pacific Economic Cooperation (APEC) Leaders' Declaration made at the highest political level³. This declaration will promote efforts at the international, regional and national levels to combat illegal wildlife trade.
11. Parties are encouraged to conduct an analysis of detected illegal wildlife trade cases, as described in paragraph 25 of the report from China (see Annex 1). Such analyses are likely to contribute significantly to successful intelligence-led enforcement. It is of great importance for the law enforcement community to have the capacity to plan, gather, process, analyse and disseminate intelligence. The gathering, analysis and exchange of intelligence, both nationally and internationally, are essential to identifying criminal networks and launching effective investigations against them. It is important to use intelligence to direct resources towards the tactics that will be most effective in combating crime.
12. The Secretariat further welcomes the Training Seminar for African Wildlife and CITES Officers that was organized by China's State Forestry Administration in October 2012⁴, as well as China's efforts to strengthen its bilateral cooperation (see paragraph 42 of Annex 1). The Secretariat believes that increased cooperation between range, transit and destination countries is vital to address illegal trade in ivory effectively. This issue is also developed in document CoP16 Doc. 53.2.1, paragraph 35.
13. The Secretariat welcomes the multinational wildlife enforcement operation between Africa and Asia (Operation COBRA⁵), that was proposed by China and supported by participants (Cameroon, the Democratic Republic of the Congo, Gabon, Indonesia, Kenya, the Lao People's Democratic Republic, Malaysia, Nepal, South Africa, Thailand, the United States of America, Viet Nam, ASEAN-WEN, ICPO-INTERPOL and the Lusaka Agreement Task Force) during the ARREST-DETECT Managers Special Investigation Group Course, organized by the USAID's ARREST programme from 17 to 21 September 2012 in Bangkok, Thailand. The Secretariat provided support to the organizers of Operation COBRA and encouraged the CITES Management Authorities in the countries identified to participate in the operation to work closely with their national Customs, police- and wildlife authorities in support of the operation.
14. The report from Thailand in response to the recommendations adopted at SC62 is contained in Annex 3.
15. The Elephant Trade Monitoring System (ETIS), Standing Committee and Conference of the Parties have on several occasions suggested that the systems in place in Thailand to regulate domestic ivory markets are not comprehensive and demonstrably effective.
16. At SC62, the Standing Committee noted the written and oral reports of Thailand, and an invitation by Thailand for the Secretariat to undertake a mission to the country before SC63, to verify the implementation of the recommendations on internal ivory trade contained in Resolution Conf. 10.10 (Rev.

² See document SC62 Doc. 29.

³ See Annex 1, paragraph 24, and document CoP16 Doc. 29.

⁴ See Annex 1, paragraph 39.

⁵ See Annex 1, paragraph 41.

CoP15) and the *Action plan for control of trade in elephant ivory* associated with Decision 13.26 (Rev. CoP15).

17. In October 2012, the Secretariat attended the second Asian Ministerial Conference on Tiger Conservation in Thimphu, Bhutan. This provided an opportunity for the Secretariat to conduct a back-to-back mission to Thailand to conduct a preliminary assessment of measures implemented in Thailand to regulate its domestic trade in ivory effectively. The Secretariat would like to express its sincere appreciation to the United States for the funds provided, which enabled it to undertake this mission.
18. The Secretariat would also like to express its sincere appreciation to the Department of National Parks, Wildlife and Plant Conservation, which is the CITES Management Authority of Thailand, for the arrangements that were put in place to facilitate its mission.
19. The mission enabled the Secretariat to gain valuable insight into ongoing activities and measures being implemented, or planned, to fight wildlife crime, in particular measures to regulate domestic trade in ivory.
20. Following this mission, the Secretariat provided a preliminary assessment to Thailand to assist it in its efforts to fully implement Resolution Conf. 10.10 (Rev. CoP15) and the *Action plan for control of trade in elephant ivory*.
21. Domestic ivory trade in Thailand is one of 13 business types that must be registered under the Commercial Registration Act of 1956 of the Ministry of Commerce Law. All 'ivory traders', which include retailers, wholesalers and carving businesses, are required to register their businesses with designated offices. It is encouraging to learn from Thailand's report that 122 ivory traders have now been registered in compliance with this legislation, from 67 at the time of SC62.
22. The number of registered traders mentioned in Thailand's annexed report demonstrates that a growing number of ivory traders are complying with the relevant legislation. The ETIS analysis in document CoP16 Doc. 53.2.2, however, indicates that market surveys between 2006 and 2007 identified 201 retail outlets and at least 60 carvers in that country. Thai authorities are encouraged to continue their efforts to familiarize ivory traders with the new control system for ivory trade in order to ensure compliance with registration requirements. They are further encouraged to take appropriate action against ivory traders who do not comply with these requirements.
23. During the Secretariat's mission to Thailand, the Management Authority indicated that frequent inspections of ivory traders would be conducted as soon as the new control system for ivory trade was fully implemented. In addition, government staff would be trained in the new control system for ivory trade. The Secretariat is pleased to learn of the training course that was organized in this regard for 120 officers from all regional offices of the Department of National Parks, Wildlife and Plant Conservation, on 24 and 25 December 2012.
24. The training of these officers should significantly enhance Thailand's ability to regulate domestic ivory trade. Frequent inspections of all ivory traders are essential to ensure that they comply with the new system, and to prevent illegally imported ivory from being laundered in the domestic market. It will be equally important for these officers to be adequately empowered by legislation to enter and search premises, as well as to seize illegal specimens. A zero-tolerance approach should be adopted when irregularities are detected.
25. Thailand confirmed its willingness to receive a second mission of the Secretariat at the end of February 2013 to conduct a further assessment of its ivory control measures. The Secretariat will report on the findings of this mission at the present meeting.
26. Recent seizures have again highlighted that large-scale shipments of ivory are illegally exported to Asia through Kenya and the United Republic of Tanzania, for instance:
 - 13 October 2012: 1,883.92 kg raw ivory tusks originating from Kenya seized by authorities in Hong Kong SAR;
 - 16 October 2012: 1,927.3 kg raw ivory tusks and 1.4 kg worked ivory originating from the United Republic of Tanzania seized in Hong Kong SAR;

- 15 November 2012: 1,131.85 kg raw ivory tusks originating from the United Republic of Tanzania seized in Hong Kong SAR;
- 3 January 2013: 1,323.92 kg raw ivory tusks originating from Kenya seized in Hong Kong SAR; and
- 16 January 2013: 638 pieces of raw ivory (exact weight unknown but reported in the media to exceed two tons) alleged to have originated from Rwanda and the United Republic of Tanzania, seized in Kenya.

27. While the seizure of illegal ivory by authorities in Kenya is encouraging, the Secretariat remains concerned with the significant volumes of illegal ivory that leaves Africa through ports in Kenya and the United Republic of Tanzania. The Secretariat encourages these two Parties to implement measures and increase enforcement activities to detect and deter the flow of illegal ivory through their territories.

Recommendation

28. The Standing Committee is invited to take note of the present document and of the Secretariat's findings and recommendations regarding the measures implemented in Thailand to regulate its domestic ivory trade effectively.
29. The Secretariat may provide further comments or additional recommendations in case any of the outstanding reports are provided before or at the present meeting.

REPORT FROM CHINA⁶

18 December 2012

Mr. John E. Scanlon
Secretary General
CITES Secretariat

Re: Implementation of Resolution Conf. 10.10 (Rev.CoP15) & Decision 13.26 (Rev. CoP15) in China

Dear Mr. John E. Scanlon,

In response to the Secretariat's letter ref. SC 01/11/12/BVR, I would like to provide you the information on Implementation of Resolution Conf. 10.10 (Rev.CoP15) and Decision 13.26 (Rev. CoP15) in China as following,

1. Asian elephant is listed as category I of the state key protected wild animals and African elephant is treated as category I of the state key protected wild animals, in China,
2. In China, the forestry departments at all levels are responsible for the conservation and management of elephants, the forest police bureaus at all levels are responsible for combating the illegal hunting, killing, sale, transportation and purchasing of elephants, their parts and derivatives, and the Customs are responsible for the anti-smuggling of elephants, their parts and derivatives.
3. Anyone who engages in domesticating and breeding elephants in China should meet the requirements set by the State Forestry Administration about its facilities, staff, techniques and funds and obtain the official Domestication and Breeding Permit. All captive elephants should be labeled.
4. Any trade in elephants, their parts or derivatives should be subject to the Wild Animal Conservation Law.
5. The manufacturers and retailers dealing in raw, semi-worked and worked ivory products should obtain a Utilization Permit from the State Forestry Administration. At present, there are 36 officially designated ivory manufacturers and 136 officially designated ivory retailers in China.
6. All raw ivory and worked ivory products should be labeled with a certificate and recorded in the centralized database, by the State Forestry Administration.
7. The annual national consumption of raw ivory is restricted to 5 tons and the quantity of each officially designated ivory manufacturer is assigned by the State Forestry Administration.
8. Since June 2009, the State Forestry Administration has authorized to use 18281.2kgs raw ivory, but the actual consumed raw ivory is 13781.56kgs.
9. Anyone who has purchased the worked ivory product can access to <http://www.ivory2004.cn> to verify the legality of his/her products by the number of the attached certificate.
10. In official designated ivory retail outlets and on the certificates of the worked ivory, a warning, *please don't take the ivory out of China without a special approval*, was provided.
11. The forestry departments or their authorized entities may inspect the officially designated ivory manufacturers and retailers at any time and handle the illegal behaviors they've found. Until now, 4 officially designated ivory manufacturers and 27 retailers have been deprived their rights to deal in ivory.

⁶ 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.

12. A National Inter-agency CITES Enforcement Coordination Group (NICE-CG) was established by the State Forestry Administration, Ministry of Agriculture, Ministry of Public Security, State Customs General Administration and State General Administration for Industry and Commerce in 2011, being used as a wildlife enforcement platform for domestic coordination and international cooperation. Many activities have been organized by the NICE-CG.
13. Since 2011, the Chinese forest police organs have handled over 10,000 wildlife cases. More than 2,000 of them are criminal cases.
14. From 29-30 December 2011, the Chinese forest police organized an enforcement operation in Beijing, Tianjin, Fujian, Guangdong and Yunnan, targeting on illegal trade in ivory. 21 cases were detected, 16.53 kilograms ivory and 570 pieces ivory products were seized from that operation.
15. From 9-18 April 2012, the Chinese forest police undertook a national wildlife enforcement operation targeting on illegal trade in wildlife occurred online and at markets. More than 700 cases were detected, over 1,000 wildlife offenders were punished, 13 organized crime gangs were destroyed, and 130,000 animals, 2,000 animal products and 147 pieces animal furs were seized.
16. Since July 2012, the Forest Police Bureau of State Forestry Administration has organized two wildlife operations. The achievements are under statistics.
17. Some significant ivory seizures were also made by the Chinese forest police. For examples, Kunming Forest Police Bureau confiscated 190 pieces ivory products as well as 156 grams ivory ball on 19 January 2011; the Qinghai Forest Police Bureau seized 2 tusks on 19 January 2011; the Fujian Forest Police Bureau seized 18 piece raw and worked ivory totally weighting 30 kilograms on 29 December 2011; and the Tianjin Forest Police Bureau detected 6 ivory related cases at a raid, arrested 8 suspects and confiscated 2 tusks and 6,109 pieces ivory products totally weighing 115.87 kilograms.
18. China had detected 2,129 cases in relation to the smuggling of ivory, of which 136 were criminal cases and 1,993 were administrative cases. A total of 5382.126 kilogram as well as 3,631 pieces raw and worked ivory were confiscated from those seizures (The total weight of the seized raw and worked ivory is less than 6,000 kilograms). The suspects involved in criminal cases would be sentenced to certain years' imprisonment and the individuals involved in criminal cases would be fined concurrently with a confiscation of their ivory.
19. In 2012, the State Customs General Administration organized a nationwide Shield Operation and made great achievements. 938.3kgs elephant tusks were seized by Tianjin Customs on 13 January, 428 kgs elephant tusks were seized by Guagzhou Customs on 13 February and 300kgs ivory were confiscated by Huangpu Customs on 14 October 2012.
20. Based on accurate and in-real time intelligence provided by the Customs of mainland China, Hong Kong Customs detected 1883.9kgs ivory on 15 October 2012 and 1927.3kgs ivory on 16 October 2012.
21. In accordance with the Chinese Criminal Law, the maximum penalization to the smuggling of ivory is life imprisonment concurrently with a confiscation of his/her personal property. According to our incomplete statistics, at least 20 ivory smugglers have got such a maximum penalization.
22. A value standard for parts and derivatives of wild animals seized in the criminal wildlife cases was jointly promulgated in 2012 by the People's Supreme, the People's Supreme Procuratorate, the State Forestry Administration, the Ministry of Public Security and the State Customs General Administration, which provides a sound legal basis for investigating, prosecuting and judging the wildlife case.
23. In 2012, the State Forestry Administration not only provided all documents related to the Tianjin ivory seizure to the LATF for their follow-up investigation, but also provided 10 pieces samples of the smuggled ivory confiscated by the Tianjin Customs to a German laboratory for determining their origin, sex and age.
24. The Chinese government worked with the other APEC members released an APECT Leaders' Declaration in 2012, where they commit to strengthen their efforts to combat illegal trade in wildlife, timber, and associated products and address both the illegal supply and demand for endangered and protected wildlife through capacity building, cooperation, increased enforcement, and other mechanisms.

25. An analysis on detected wildlife smuggling cases is generated each year by the State Forestry Administration. Subsequently, a strategy to address such smuggling activities is also developed. This strategy will be forwarded to the relevant wildlife enforcement agencies for their information.
26. By the request of the Forest Police Bureau of the State Forestry Administration, the China Auction Association officially asked its members not to auction rhino horn and tiger bone and their products. It also asked its members to auction the ivory and its products following the provisions of the relevant law.
27. The Forest Police Bureau of the State Forestry Administration cooperated with the relevant departments to organize the 3rd Workshop on Control of Online Wildlife Trade in 2012. 15 websites declared at the workshop that they would take a zero tolerance policy to the online wildlife trade.
28. The State Forestry Administration organized the 1st Workshop on Control of illegal Transportation of Endangered Species in April 2012. All relevant transportation authorities, airlines and delivery companies are invited to the workshop for joint control of the illegal transportation.
29. The State Forestry Administration organized the 8th Joint Meeting on the Implementation and Enforcement of CITES and brings all relevant government agencies and NGOs to the meeting for reviewing the work undertaken in the past year, exchanging experiences in enforcing CITES and proposing the action plan for 2013. The control of illegal ivory trade is always on the top priority of the Chinese enforcement authorities.
30. The CITES Management Authority of China, in partnership with State Customs General Administration and International Fund for Animal Welfare, displayed a set of CITES posters at 400 Chinese entry and exit ports in 2011.
31. The CITES Management Authority of China, in partnership with ASEAN-WEN, Conservation International (CI) and other governmental agencies, displayed hundreds of CITES posters produced in Chinese, Vietnamese, Burmese and Laotian languages at the ports located in Sino-Vietnam, Sino-Laos and Sino-Myanmar borders in 2011.
32. The State Forestry Administration, Ministry of Commerce and the State Tourism Administration jointly issued a notification to the forestry, commerce and tourism departments to ask them to provide CITES knowledge to the Chinese nationals who were already at abroad or going abroad.
33. The knowledge on CITES and ivory identification are always provided to the hundreds of training seminars organized by the Chinese CITES, wildlife, forest police or Customs authorities.
34. Each Chinese nationals newly arriving in some of the African elephant range states such as Kenya will receive a cell phone warning message from the Chinese Embassies that the raw and worked ivory are not allowed to be illegally bought and taken home.
35. In response to the call of the central government for achieving the human-nature harmonization and constructing the ecological civilization, the China Central Television initiated a program entitled We are in Action for Protecting the Wild Animals from 27 November to 2 December 2012. It had exposed many wildlife crimes, brought the attention of wildlife crime to all society and greatly promoted the wildlife enforcement in China.
36. All wildlife seizures made by the Chinese Customs will be submitted to the CITES Secretariat as well as the Parties and relevant sub-regional wildlife enforcement organizations for their information by the State Forestry Administration.
37. China participated in the Operation RAMP, Operation TIGRE and GAPIN initiated by the Interpol or WCO and detected many wildlife cases.
38. The State Forestry Administration organized China-ASEAN Technical Consultation Meeting on CITES Implementation and Enforcement in June, 2012, Nanning, China. The Customs, police and wildlife officers from ASEAN member states were invited to the meeting and many measures on jointly combating illegal wildlife trade were proposed from the meeting.
39. The State Forestry Administration organized a Training Seminar for African Wildlife and CITES Officers in October 2012, Hangzhou, China. 29 officers from 12 African states participated the seminar. It was agreed

that the only concern between China and Africa was the illegal trade in ivory and it was necessary for both sides to tighten the control of the illegal ivory trade.

40. China has hosted or participated in many Special Investigation Group meetings and training course supported by the USAID's ARREST program. The major agenda of the meeting or course is to jointly combat the illegal ivory trade.
41. China is working with ASEAN-WEN, SAWEN and LATF, with the technical and financial assistance of CITES, Interpol, WCO and ARREST Program, to organize countries in Asia, African and America to participate in Operation Cobra, targeting on the combating the illegal trade in Ivory, Rhino horn, Pangolin, Big Cats and Great Ape.
42. China has strengthen its cooperation with African countries in CITES implementation and enforcement by undertaken mutual visits. At present, the Chinese CITES Management Authority is working with its counterparts in Vietnam and Kenya to discuss the signing of MoU on Cooperation in CITES Implementation and Enforcement, in an effort to further strengthen its bilateral cooperation with the major source and transit countries of the illegal ivory.
43. An International Fund for Elephant Conservation was established by China Wildlife Conservation Association in 2010. It can collect 100,000-200,000 USD annually. Some of elephant related conservation projects, including the MIKE and ETIS, have been sponsored already.
44. Several awards, such as China Border Wildlife Guardian Award and Subaru Wildlife Conservation Award, have been set up by China Wildlife Conservation Association and the other organizations and companies for the purpose of encourage the field wildlife enforcement officers to do their job better.
45. The foreign tourists are very easy to access to illegal elephant tusks and/or ivory products in many elephant range states. China calls for all of those countries to take strict and urgent measures to follow the provisions of Resolution 10.10 (Rev.CoP14) and Decision 13.26 (Rev. CoP13), take responsibility to protect their wild elephants, regulate their domestic ivory markets and eliminate the poaching of elephants and illegal ivory trade in their countries.

Dr. Meng Xianlin
Executive Director General
CITES Management Authority of China
State Forestry Administration
18 Hepingli East Street
Beijing 100714
China

REPORT FROM HONG KONG SAR ⁷

**Report on the implementation of the provisions of
CITES Resolution Conf. 10.10 (Rev. CoP15) and Decision 13.26 (Rev. CoP15)
concerning the controls of trade in ivory**

This report provides information on implementation of CITES Resolution Conf. 10.10 (Rev. CoP15) and Decision 13.26 (Rev. CoP15) by the Hong Kong Special Administrative Region (HKSAR) of China concerning the controls of trade in ivory.

Domestic legislation and control

The Protection of Endangered Species of Animals and Plants Ordinance is the domestic legislation which implements CITES in the HKSAR. The control regime of the Ordinance in respect of the import, introduction from the sea, export or re-export of CITES listed species fully complies with the provisions of CITES. The Ordinance also implements exemption for pre-Convention specimens pursuant to Article VII(2) of the Convention.

The specific permit requirements in the HKSAR for the trade in ivory are listed below:

Import

Both an Export Permit or a Re-export Certificate issued by the CITES Management Authority (MA) in the place of last export and a Licence to Import issued by the CITES MA of the HKSAR are required. Pre-Convention specimens, accompanied with a pre-Convention Certificate conforming to Resolution Conf. 12.3 (Rev. CoP15), are exempted from the requirement for a Licence to Import. Normally, the CITES MA of the HKSAR will not issue a Licence to Import to authorize import of a specimen of an Appendix I species for primarily commercial purposes.

Export or re-export

A Licence to Export or Re-export is required for ivory specimens.

Possession

As a stricter domestic measure, the Ordinance stipulates that the possession of ivory for commercial purposes, regardless of its quantity or type of specimen, requires a Licence to Possess issued by the CITES MA of the HKSAR. Individual keeping premises of ivory engaged in commercial activities should obtain its own Licence to Possess. Specimens proved as being pre-Convention are exempted from the requirement for a Licence to Possess.

Domestic market for ivory

Given the history of the HKSAR as a trade center of ivory in the Asian region in the 1980s, substantial amount of ivory had been legally imported before uplisting of African elephant from Appendix II to Appendix I. Those ivories were formally registered at that time and allowed to be traded locally under a Licence to Possess. Over time, the number of licensed premises as well as the registered stock decreased gradually. The table below captures the related figures over the past ten years.

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Year	Licensed premises	Raw ivory / tonnes	Worked ivory / tonnes	Total quantity / tonnes
2002	724	157	103	260
2007	613	140	96	236
2012	429	125	94	219

In the HKSAR, stockpiled and registered ivory was mainly consumed in the local market as worked ivory while a small quantity was disposed of as reported by licensees. The net consumption of ivory was 24 tonnes in 2002-2007 and 17 tonnes in 2007-2012, which demonstrated a decline in internal demand for ivory. While the decrease in registered stockpile was mainly reflected in raw ivory, they would have been processed to worked ivory before sale in domestic market.

Facilitation of enforcement

The HKSAR maintained its momentum to combat illegal trade in ivory. Cases of non-compliance were reported to ETIS. Information pertaining to significant ivory seizures was also communicated to the concerned Parties, including countries of origin, transit or destination where applicable, and the Secretariat shortly after the seizure, as well as through the INTERPOL's Ecomessage, for necessary action to be taken by relevant enforcement authorities.

The CITES MA of the HKSAR supports the use of confiscated ivory in accordance with Resolution Conf. 9.10 (Rev. CoP15) for scientific, educational, enforcement or identification purposes. Samples drawn from a large-scale ivory seizure in 2006 were provided to a research institute which, by means of DNA analysis, successfully tracked down the locations where poaching happened. The results were shared among relevant Parties. A similar request for samples from a large-scale ivory seizure in 2012 for DNA testing is being considered favourably.

Agriculture, Fisheries and Conservation Department
Hong Kong Special Administrative Region, China
December 2012

REPORT FROM THAILAND⁸

Report on domestic trade in ivory and protection of elephants

This report is compiled under recommendations given at the 62nd Standing Committee Meeting in SC62 Doc. 46.1 (Rev. 1).

Thailand is identified as one of the two principal destinations for large-scale ivory consignments from Africa. With six large-scale seizures, Thailand has made the seizures during 2009-2011 with 8,356 kilograms totally. Thailand reported to the 62nd SC Meeting concerning its measures taken to comply with recommendations of the Resolution 10.10 (Rev.CoP15). In this present report, Thailand would like to inform the SC about the additional information and progress of its obligation in control of domestic ivory trade and protection of elephants since the 62nd SC Meeting.

Control of Domestic Ivory Trade

General Characteristic of ivory trade in Thailand

Most of the ivory products are small to medium size including rings, bracelets, necklaces, belt buckles, knife handles, etc. Very small-sized product can be made as a 3-5 millimeter grain which is a component of necklaces or bracelets. Large-sized products such as whole tusk are very rare. The ivory markets are found in some provinces where hotspots located especially in Nakorn Sawan and Surin Province. Ivory products are allowed for trade domestically only. The ivory business in Thailand deals with rather small-sized items and is operated by household and small enterprises other than the big companies and industries. The only legal source of elephant ivory derives from the captive population of Asian elephants under the Draught Animal Act 1939. Meanwhile, the wild population of Asian elephants is protected with completely no commercial utilization under the Wild Animal Reservation and Protection Act 1992.



Legislations

Department of National Parks, Wildlife and Plant Conservation (DNP) as the CITES MA of Thailand has worked closely with other agencies to integrate all relevant present laws for enhancing its performance in control of domestic ivory trade. Under the Commercial Registration Act 1956, all ivory traders which include retailers, wholesalers and carving businesses shall register their businesses with designated offices in the area of business location nationwide. DNP is compiling this information from 9,420 offices on the present number of registered ivory businesses. From the information (gained on 31 December 2012), there are 122 shops registered in 13 provinces (from 77 provinces of country). Examination of active business is carrying out by DNP's Regional Offices to elucidate volume of trade in the country.

The Accounting Act 2000 enforces the ivory businesses to make its ivory account for checking and investigating by the authorized officers. The ivory products must be derived from the legal source of captive elephants only. The owner of ivory products must show their legally-proved documents of acquisition. There are three types of ivory accounts namely raw material account, manufacturing account and product account respectively. The raw material account shows the flow of raw ivory (both entry and exit), the origin of ivory obtained and

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transformation of such raw ivory in manufacturing process. The manufacturing account refers to the raw ivory account and shows how raw material is transformed in the manufacturing process. The product account refers to source of raw material and manufacturing process and shows the final customer of such products. Finally, the product account links with the manufacturing account as sources of product with separate sheets among product types. The product account is also served as trade record that needs to be accounted in every transaction. Those who have business from raw ivory to product must prepare all accounts. Meanwhile, those who sell only products must prepare the final product account.

Trade and movement of raw ivory are controlled by under the Animal Epidemic Act 1956 and its revision 1999. Traders require trade permit from the Department of Livestock Development. Any transportation of raw ivories across provinces requires movement permit from the place of origin. Transport of such ivories must be checked through the designated checkpoints along the route of transportation and be finally checked by the officers at the place of destination.

Under the Draught Animal Act 1939, all individual live elephants are registered and given details in the elephant identification book (or passbook). This book is comparable to "ID card of human" which is carefully checked and issued by the Department of Provincial Administration (DPA) in each province and given to the owner of such elephants. All marks as well as cut ivory must be written in this identification book. This information can be linked to the source of raw ivories in the domestic ivory trade. For better practices regarding individual Identification book, DPA is revising appropriate material and information system and management.

Import and export of elephant ivory are controlled by the Wild Animal Reservation and Protection Act 1992 and the Customs Act 1926 and its consecutive revisions. Import and export of ivory products for commercial purposes are banned by both legislations. The Customs Department and DNP work together in seizure of ivory and prepare ETIS report. Thailand is one of the active countries that regularly report its seizures in ivory to ETIS. All confiscated ivories have been kept in secured facilities of both departments to ensure that these illegal ivories will not flow into the domestic market.



Revision of the Legislations

The previous proposal of DNP in submitting the draft of Elephant Act for consideration in the Legal Submission Process was rejected last year in the Ministerial Level. However, DNP is preparing to revise the draft of Elephant Act and will be submitted into the Legal Submission Process again as soon as it becomes completed.

After working together and discussion among related agencies in enhancing control of domestic ivory trade, the Department of Provincial Administration is preparing the improvement of the Draft Animal Act 1939. All elephant identification book will be revised in modern form for more effective ways. Related information is intended to put into the system such as microchip, legal ownership, etc. Issuing and expiring date will be introduced to check the change of each elephants in the period of time. This approach is now submitted in the Legal Submission Process.

As mentioned in Thailand's SC62 report, the Ministry of Natural Resources and Environment agreed in principle to list African elephant as protected species under the existing wildlife law. Listing a protected species shall be approved by the National Wildlife Conservation Committee under the law. Unfortunately, two-year term of the committee expires and shall be re-established by the Cabinet. DNP is proposing the new committee to the Ministry to further process.

Activities concerning control of ivory trade by CITES MA of Thailand since the 62nd SC Meeting

- Public Awareness campaign/ Thai government continually informs tourists not to purchase ivory from Thailand. Raising public awareness campaigns have been carried out in many tourist attraction areas such as the Chatuchak weekend market, as well as Suvarnabhumi international airport.

- Site inspection/ CITES MA of Thailand inspected ivory market in Nakorn Sawan and Uthai Thani (recognized as main source of ivory manufacturer) 3 (three) times in June, October and November in 2012. The inspection of ivory market was carried out 2 (two) times in Surin Province (recognized as main source of raw ivory) in November and December 2012. Meanwhile, responsible regional offices in 2 hotspots of ivory trade are regularly inspecting to ensure effective control.



- Workshop with ivory manufacturer/ CITES MA of Thailand held two workshops at Nakorn Sawan Province and Surin Province in September 2012 and December 2012 respectively. The main purpose of the workshop is to make clear understanding concerning new control system for ivory trade and making the accounting system which developed by the Governmental Agencies to the target groups which are those who has business in ivory. The result of this workshop is good satisfaction in term of raising awareness to the ivory business as well. The workshops in other region will be held in the consecutive occasions. Financial supports from the Government for organizing necessary workshops were approved and will be transferred to the regional offices.



- Training of officers in control of domestic ivory trade/ CITES MA of Thailand held a training course during 24th -25th December 2012. One hundred and twenty (120) officers from all regional offices of DNP were trained how to control ivory trade under related legislation. These officers are engaged in inspection of registration of ivory business, making accounting and checking necessary document in ivory trade.



- Working with CITES Secretariat/ CITES Secretariat conducted a mission to Thailand from 26 – 29 October 2012 to conduct a preliminary assessment of measures implemented by Thailand to effectively regulate domestic ivory trade. The mission gave observations resulting from this preliminary assessment to Thailand later on 18 November 2012. The Secretariat intends to undertake a second mission to Thailand immediately before SC63, to conduct a further assessment which enables the Secretariat to formulate its findings and recommendations regarding Thailand for consideration by the Standing Committee. Thailand is welcome the observation made by the Secretariat.



Protection of Elephants

Thailand is one of the countries of origin of Asian elephant. However, there are two populations of Asian elephants in term of legal control namely “captive elephant” under the Draught Animal Act 1939 and “wild elephant” under the Wild Animal Reservation and Protection Act 1992 respectively. These two populations are separated by laws and treated in different aspects.

Captive Elephants

Thailand as well as some countries in Asian region has its long history of training elephants for working. The system of registration of captive elephants was systematically implemented by laws under the Draught Animal Act 1939. Captive elephants registered under this law are personal property to the registered owners which can be domestic traded legally but under the inspection and satisfaction of officers of District (the head of the District). Individual captive elephant is identified by its identification book (or passbook). Any changes regarding its characteristics and legal affairs must be recorded and written in identification book under the inspection and satisfaction of officers.

Captive elephants are used in logging industry in the past (still using in some areas) and tourism industry in the modern time. There are approximately 3,000 – 4,000 captive elephants nationwide. Most of the captive elephants are implanted with microchip for making history in medical and health care. Some of captive elephant belongs to the Forest Industry Organization (FIO), a state-owned enterprise engaging in logging industry. The others belong to private owners which may work in elephant camps in many tourist hotspot provinces such as Chiangmai, Phuket and Ayutthaya. There are a number of agencies works on taking care of captive elephants.

FIO, with its own captive elephants, conduct medical care at its own hospital in Lampang Province for sick and injured elephants. The National Institute of Elephant Research and Health (under the Department of Livestock Development) conduct medical care at Surin Province. There are other agencies conduct medical cares for captive elephant including universities and NGOs.

Wild Elephants

Wild elephants have been protected and conserved in the modern period under the Wild Animal Reservation and Protection Act 1960 (replaced by the new act in 1992). No one can trade, possess, harm or kill wild elephant under the law. This law is undertaken by the responsibility of DNP (CITES MA of Thailand). The natural habitats of wild elephants are declared as protected areas including 148 national parks and 61 wildlife sanctuaries nationwide. There are full-time officers and rangers work to protect wild elephant in all protected areas. From the most updated survey conducted by DNP, there are approximately 3,000 elephants living in 30 wildlife sanctuaries and 38 national parks.