

Informe del Equipo de la Misión Técnica sobre el Tigre

1. En su 46a. reunión (Suiza, marzo de 2002), el Comité Permanente acordó que se llevase a cabo una misión técnica en Tailandia para examinar los controles nacionales al comercio de especímenes de tigre y la aplicación general de la Convención.
2. La misión tuvo lugar del 26 al 30 de agosto de 2002. Se adjunta el informe del Equipo Técnico (únicamente en inglés).
3. El Equipo examinó las cuestiones siguientes: legislación, aplicación de la legislación ambiental, conservación del tigre en Tailandia, tigres en cautividad, cría en granjas de cocodrillos, medicina tradicional, comercio de marfil, cuestiones de observancia general, y función de las organizaciones no gubernamentales.
4. Aunque la impresión general en lo que respecta a la aplicación de la CITES en Tailandia es favorable, el Equipo ha identificado esferas en las que pueden hacerse progresos y ha formulado las ocho recomendaciones siguientes:
  - dirigida a Tailandia: en relación con la coordinación de las actividades de observancia;
  - dirigida a Tailandia: en relación con los sistemas de gratificación de los informantes y la utilización de uniformes por el personal de observancia;
  - dirigida a Tailandia: en relación con los reconocimientos de la población del tigre;
  - dirigida a Tailandia: en relación con los tigres en cautividad;
  - dirigida a la Secretaría CITES: en relación con la adquisición de especímenes de especies incluidas en los Apéndices de la CITES por zoológicos;
  - dirigida a la Secretaría CITES: en relación con las ventas de productos de vida silvestre en las tiendas de las principales cadenas de hoteles internacionales;
  - dirigida a Tailandia: en relación con el comercio de marfil; y
  - dirigida a Tailandia: en relación con la participación de las ONG en las cuestiones relacionadas con la observancia.





Report of the CITES Tiger Mission Technical Team

Thailand – 26-30 August 2002



## Background

At its forty-sixth meeting (Switzerland, March 2002), the Standing Committee agreed that a technical mission should be conducted to Thailand to examine domestic control of trade in tiger specimens and general implementation of the Convention. The mission was to be conducted using the terms of reference developed for the 1999 CITES Tiger Technical Missions as a basis for its work, as follows (apart from the reference to political missions, since none were anticipated):

### Terms of Reference for Technical Missions

Pursuant to Resolution Conf. 9.23 (Rev.) and Decision 10.66 b), at its 40th meeting (London, March 1998) the Standing Committee agreed to technical and political missions to tiger range and consumer States. Appropriate individuals will undertake the technical missions. Their report(s) will, thereafter, be used by the political missions in their visits to range and consumer States.

The following considerations will form guidelines for the Technical Team. The team should, however, have the flexibility to pursue lines of enquiry that emerge during the course of such missions if it can reasonably be expected that the principle aim of the mission can be better achieved. If necessary, additional guidance will be sought from either the Secretary General of CITES or Standing Committee Chairman.

1. The principle aim of the missions will be to assist in developing strategies for improving control of tiger trade and related activities.
2. The team will consist of a professional member of the CITES Secretariat's Enforcement Assistance Unit (*now Legislation and Compliance Unit*), a professional law enforcement officer from a CITES Party and a staff member of TRAFFIC International with prior knowledge of the tiger trade.
3. The team will identify examples of effective legislation to conserve tigers and control the trade in tiger products and derivatives and associated trade in other Appendix I species and report upon these in a manner that may facilitate the dissemination of that information to relevant Parties.
4. The team will identify examples of effective practical control of trade in tigers and associated trade in other Appendix I species and report upon these in a manner that may facilitate the dissemination of that information to relevant Parties.
5. The team will identify examples of effective anti-poaching and other enforcement actions and report upon these in a manner that may facilitate the dissemination of that information to relevant Parties.
6. The team will identify examples, within range States, of effective public education and awareness initiatives that have assisted in reducing persecution of tiger species and report upon these in a manner that may facilitate the dissemination of that information to relevant Parties.
7. The team will identify examples, within consumer States, of effective public education and awareness initiatives that have assisted in reducing the demand for tiger products or derivatives and report upon these in a manner that may facilitate the dissemination of that information to relevant Parties.
8. The team will identify, within range and consumer States, aspects of conservation and control of trade that would benefit from improvement and report upon these in a manner that may facilitate the dissemination of that information to the relevant Party and to other Parties.
9. The team will be expected, during the course of missions, and as appropriate, to consult widely with national CITES Management Authorities, Scientific Authorities and law enforcement agencies. Where possible, the team will make contact with traders and consumers, including suppliers, practitioners and users of traditional medicine. The team, with advice from the relevant Management Authority, may also

consult, or obtain information from, any other relevant organization or individual in that range or consumer State.

10. Pursuant to Resolution Conf. 9.13 (Rev.) (*now Conf. 11.5*), consultation will be made with the Global Tiger Forum.
11. The mission report(s) will be submitted, if practical, to the next meeting of the Standing Committee and, in any case, prior to the next Conference of the Parties.

#### **Composition of the CITES Tiger Mission Technical Team to Thailand**

The team was led by John M. Sellar, Senior Enforcement Officer, Legislation and Compliance Unit, CITES Secretariat. He was accompanied by Dr Daniel Walter Sinaga, Directorate General of Forest Protection and Nature Conservation, Ministry of Forestry, Indonesia, who is a member of the CITES Tiger Enforcement Task Force, and James Compton, Regional Director, TRAFFIC Southeast Asia.

The CITES Secretariat expresses its sincere appreciation to the TRAFFIC Network and the Government of Indonesia for facilitating the participation of Mr Compton and Dr Sinaga.

#### **Methodology of the mission**

The CITES Management Authority of Thailand was contacted by the CITES Secretariat and advised of the terms of reference of the Technical Team. It was invited to suggest a draft programme for the mission and was reminded that, unlike previous CITES Tiger Missions, the team was expected to also consider general issues relating to implementation of the Convention. A programme was subsequently agreed that enabled the team to meet with a range of officials engaged in CITES enforcement in Thailand, representatives of NGOs, and to undertake visits to places throughout Thailand relevant to legal and illegal trade in specimens of CITES-listed species and other issues of wildlife conservation concern.

In compliance with its terms of reference, the team leader contacted the Global Tiger Forum prior to the mission and invited its Secretary General to provide any information or suggestions that might assist the team in its work. No response was received.

A list of persons whom the team had an opportunity to meet is provided later in the report. The team acknowledges that the list is not exhaustive and does not include all the persons encountered during its travels in Thailand. It apologizes if anyone feels they have been ignored. In keeping with the approach taken by the previous CITES Tiger Missions Technical Team and other enforcement assessment related missions by the Secretariat, the list does not include those persons or organizations that supplied information on a confidential basis and who wished to remain anonymous.

The team wishes to record its appreciation to the many individuals who assisted in its work in Thailand and who patiently answered its questions and provided useful information. It is particularly grateful for the long hours that staff of the Royal Forest Department spent in accompanying the team in its travels around Thailand and facilitating its work.

#### **Legislation**

CITES is implemented in Thailand by the Wild Animals Reservation and Protection Act (WARPA) and the Plant Act (both enacted in 1992). Ministerial Regulations have been issued to supplement this primary legislation; for example to make provision for the issue of permits and certificates to regulate trade in specimens of CITES-listed species and to incorporate into the legislation the Appendices of the Convention. However, the most recent amendments to the appendices covered by WARPA are those adopted at the 8th meeting of the Conference of the Parties. New legislation is being drafted to better address CITES-related trade and it is hoped to enact this before the 13th meeting of the Conference of the Parties (which Thailand

seeks to host). The team urges the CITES Management Authority to liaise closely with the CITES Secretariat as it develops the new law or amendments to existing legislation.

WARPA also regulates Thailand's domestic utilisation of wildlife and determines which native species are protected and the level of protection. It provides a variety of penalties; the most severe being a fine of one hundred thousand baht and four years imprisonment. At the time of the mission, THB 41 equalled approximately USD 1. The team was told that no convictions under WARPA have ever been appealed; so there is no 'case law' on this subject in Thailand.

Although administered by and primarily enforced by the Royal Forest Department (RFD), WARPA may also be enforced by the Royal Thai Police and Customs officers. Customs legislation, however, carries more severe penalties than WARPA (offenders face ten years imprisonment) and consequently cross-border smuggling of specimens of CITES-listed species is often dealt with under such law.

The team noted that the prosecution of an incident of tiger poaching might be dictated by the locus of the offence. For example, whilst WARPA is the primary legislation relating to wildlife, separate legislation exists for National Parks, Reserved Forests and Watershed Areas. Consequently, a poacher caught in a national park might be prosecuted under National Park law rather than WARPA. It appears, however, that the range of penalties available does not differ greatly between each Act.

Although legislation in Thailand provides for the seizure and confiscation of illegally possessed or traded articles, there is a policy that prevents, in general, the sale of confiscated goods. For example, if enforcement officials seize illegally logged timber (even if it were highly expensive teak) it would not be sold but would be left to rot in the forest. The team believes this policy ignores an important source of income that could be used to finance enforcement activities.

#### Wildlife law enforcement

As noted above, this is primarily a matter for the Royal Forest Department. RFD is regarded as a major government department in Thailand, with some 40,000 staff. Its Forest Protection Department has 500 enforcement personnel, divided into four geographical divisions covering the 76 provinces in the country. These persons are responsible for combating a wide range of crimes, including poaching, encroachment into National Parks, Reserved Forests, Wildlife Sanctuaries and Watershed Areas, and illegal logging. CITES officers man checkpoints at the major border crossing points and at major air and sea ports. Meanwhile, the Wildlife Protection Section of the RFD is staffed by officers who investigate offences against WARPA, especially CITES-related crime such as illegal harvesting of species, illegal trade and smuggling.

Poaching of endangered species is regarded as relatively rare, although poaching for subsistence purposes is more common, as is illegal logging and harvesting of aloewood (also known as aloeswood or gaharu *Aquilaria crassna*) and collection of wild vegetables and plants.

The Royal Thai Police consists of 250,000 staff. This includes 600 Forest Police, who are deployed around the country in divisions similar to those of the RFD. The role of the Forest Police is very similar to that of the RFD's Forest Protection Department but its officers have higher levels of training and authority, including the power to carry weapons on a regular basis. Because of the nature of the habitat, and its geographical position, Forest Police patrols in rural areas regularly deal with narcotics-related matters.

The Royal Thai Police has access to forensic science services but there seems to have been no use made of such facilities for wildlife crime or illicit trade investigations.

Thailand has a total of 5,000 Customs officers throughout the country and 51 fixed Customs points on its borders. Border Police officers of the Royal Thai Police assist in illegal immigration matters, border control, and anti-smuggling operations.

It is important to note that the only agency in Thailand with the authority to report offenders for prosecution is the Royal Thai Police. Whilst an RFD or Customs official is entitled to conduct the initial investigation into an offence, if it is decided that the matter should go to court the offender must be handed over to the Police. A Royal Thai Police investigator will then review the evidence obtained so far and prepare a report for the prosecution authorities. It is the general policy of RFD that any CITES-related cases should be referred to the Police for prosecution, albeit the Department has the power to impose administrative penalties for minor offences. Customs have a similar policy regarding anything other than the most minor of violations, where confiscation or confiscation and an administrative penalty will be imposed. Confiscation and/or administrative fine by RFD or Customs depend on the offender admitting guilt and agreeing to that action; otherwise, the case must go to court.

RFD appears to enjoy very close working relations with its partner law enforcement agencies and has conducted regular training relating to CITES and general wildlife-related matters. Specialized CITES officers in RFD display the logo of the Convention on shoulder patches on their uniform shirts; something that is seen very rarely elsewhere in the world and which helps promote CITES awareness in a very positive fashion.

However, a senior officer of the Royal Thai Police told the team that he thought much more could be done to raise awareness of wildlife crime among enforcement officials and to discourage the general public and traders from engaging in crime or illegal trade. The team suggests that the CITES Management Authority of Thailand should investigate obtaining permission to adapt the excellent enforcement manuals prepared by NGOs in India (such as that of the Wildlife Protection Society of India) to the Thai language and to make the content more specific to Thailand. These could then be widely distributed. It suggests donor funding be provided for this initiative. The team understands that TRAFFIC Southeast Asia might be willing to facilitate the production of such a manual. The team was conscious as it travelled around Thailand of the way in which the Esso petroleum company makes extensive use of the symbol of a tiger in its marketing. It is aware that Esso has previously sponsored CITES awareness material elsewhere and suggests consideration should be given to approaching the company to seek funding for what would be an important project.

There seems to be effective liaison between the various enforcement agencies and CITES officials said it was their experience that Police and Customs have always responded promptly to requests for assistance. There appeared to be some confusion as to who should be responsible for international liaison relating to wildlife law enforcement. If Thai officials arrest a foreign citizen, the relevant embassy or consulate will be advised. The CITES Management Authority of Thailand, if advised of a significant CITES violation by a foreign national, will advise the relevant CITES Management Authority of the person's country of residence. However, it was not clear to the team who would be responsible for initiating or maintaining exchanges of intelligence or operational information with enforcement agencies abroad or with ICPO-Interpol and the World Customs Organization. Thailand is a member of both the latter organizations.

The team wishes to record the very favourable impression it gained of the work conducted by the Customs officers at Bangkok International Airport during a meeting with officials there and their commitment to enforcing the Convention. Customs staff at the airport deserve to be complimented on the significant seizures they have made, particularly in targeting smuggling of ivory.

Airport security staff play an important role in bringing to the notice of Customs and RFD CITES officers passenger baggage that is shown through x-ray scanning to contain suspicious items that warrant closer examination. The team encourages Thailand to maintain and develop awareness of illegal wildlife trade among port security staff.

The team was equally impressed by the RFD's policy of deploying suitably trained CITES inspectors to relevant border points around the country. The unit at Bangkok International Airport is clearly especially active and has a busy workload, since it has a policy of inspecting every CITES-related shipment, be that import, export, re-export or in transit. Interestingly, Customs legislation does not allow Customs officers to control general shipments in transit, whilst WARPA does authorize the control of wildlife in transit. The team believes, however, that the policy of inspecting every CITES shipment may not be the most efficient use of resources and encourages the CITES Management Authority and its inspection officials to make use of

modern risk assessment and profiling techniques. This might help make available more time for targeting other general passenger and freight traffic, which is often the means of smuggling as well as declared shipments that may be of a fraudulent nature.

Whilst the CITES Management Authority will usually be advised promptly by Police or Customs if they engage in a CITES-related enforcement action, this is not always the case. Additionally, the Management Authority may not always be kept advised of developments relating to the case or the outcome of court proceedings. This makes it difficult for the Management Authority to maintain an overview of wildlife crime and illicit trade. It also hampers the ability of the Authority to, for example, prepare intelligence briefings for domestic and international use and engage in risk assessment and target profiling. However, the team recognizes that the skills to undertake such work are probably not to be found within the RFD and it is probably unreasonable to expect it to do so. Indeed, the team noted that a heavy responsibility for international liaison on CITES matters already falls on a very few persons (often on just one individual).

Thailand is an active player in the CITES family of Parties, both regionally and internationally and the team believes that it would not be fair or appropriate for additional enforcement liaison or coordination to be done by the CITES Management Authority. Instead, it is of the opinion that the Royal Thai Police are better qualified to conduct such work. Not only would this bring to bear the investigative skills of the Royal Thai Police, it could also draw upon the Police's extensive experience in combating and responding to serious internal and cross-border crimes involving such as narcotics, trafficking in human beings and weapons, and sex offences, etc. It would also have the benefit of drawing to the attention of senior management of the Police the high volumes of illicit wildlife trade and wildlife crime that affect Thailand and that justify a higher level of response than is probably achieved at present. As the link between every enforcement agency and the prosecution authorities the Royal Thai Police is also ideally placed to act as the intelligence-gathering and dissemination point for Thailand. The fact that Bangkok is the regional office for Interpol in this part of Asia would be further support to such liaison and coordination. Whilst the team believes the Royal Thai Police to be best suited to this work, it recognizes that the involvement of other agencies is essential and urges Thailand to consider establishing a multi-agency specialized wildlife crime unit, led by the Police but incorporating Customs and CITES officials (RFD, fisheries and plants) and perhaps FDA, to coordinate enforcement and international liaison. Such a unit need not be operational but could focus on intelligence gathering and dissemination, risk assessment, target profiling, etc. **(Recommendation 1)**

The team learned that enforcement officers who detect cases of serious crime, for example smuggling and dealing in narcotics or illegal logging, can benefit from official bonus/reward schemes. Official budgets of the Royal Thai Police also make provision for payment to informants to assist the detection of serious crime and gather intelligence about activities such as the smuggling of narcotics. However, wildlife law enforcement attracts no such bonuses or rewards and the RFD has no budget to pay informants. The team is of the opinion that this is a serious shortcoming in Thailand's battle against wildlife crime and that this should be rectified. It was surprised to learn that government policy dictates that enforcement officials of all agencies, except those officers dealing with matters of national security, are obliged to wear uniform when performing their duties. This must inevitably impact upon the ability of these agencies to engage in such activities as covert surveillance, intelligence-gathering and covert supervision of wildlife traders. The team believes these policies should be reviewed and changed. **(Recommendation 2)**

### **Tiger conservation in Thailand**

Thailand is not a member of the Global Tiger Forum and it seems that it is unlikely to seek membership in the foreseeable future.

Although the subject of tiger population monitoring and recording was not directly a matter for the mission the team was interested to learn that the last official government survey, in 1996, estimated that there were 450-600 tigers in the wild in Thailand. A senior RFD official involved in research matters told the team that recent camera-trap surveys by an NGO had produced figures that he believed could be extrapolated to indicate that the numbers of tigers in the wild in Thailand was not less than 800. The team found this rather difficult to believe.



Whilst not experts in this field, the team thought it highly unlikely that the fragmented habitat of Thailand could support such large numbers of tigers. Additionally, the team was of the opinion, should such high numbers exist, that poaching and conflict cases would be relatively common, yet other RFD officials say there are no reports of either.

The team later met with a wildlife biologist who told it that a recent NGO survey indicated the wild population of tigers in Thailand to be 50-60 individuals.

The team does not want to engage in a debate on the number of tigers in the wild in Thailand. Nonetheless, as stated above, it is the experience of team members that a lack of reports of poaching or conflict between tigers and humans or tigers and livestock often means that the number of wild tigers is very small.

These observations aside, the team believes that a formal government survey of tiger populations, in conjunction with relevant NGO assistance, should be undertaken as soon as possible. Given the experience of other tiger range States, the numbers of tigers in the wild in Thailand may have reduced significantly since 1996 and it is imperative that conservation agencies seek as accurate a figure as possible to help determine appropriate conservation measures if the future of wild tiger populations is to be secured. **(Recommendation 3)**

### **Tigers in captivity**

Since the tiger is a protected animal under WARPA its possession by anyone and its breeding in captivity by anyone is regulated by law. Possession and breeding require a licence or permit issued under the authority of the Director General of the Royal Forest Department. Similarly, all zoological gardens have to be licensed by the Director General. Any changes relating to the keeping of such animals, such as deaths and births, must be notified to RFD. All animals have to be marked (usually achieved by the implanting of microchips). Following the death of an animal, the carcass must either be destroyed or, if it is to be retained by the registered keeper, it must be marked.

RFD officials conduct inspections at registered facilities on an *ad hoc* basis to determine and encourage compliance.

Although this is difficult to determine accurately, from information received from a variety of sources the team believes that there may well be more tigers in captivity in Thailand than there are in the wild. This, in itself, might not necessarily give cause for concern if it were not for the fact that the team heard of no efforts to use any of these animals for scientific purposes to further conservation of the species. It seemed generally accepted that, due to a lack of any DNA or other genetic profiling in the past, few if any of the tigers in captivity were likely to be genetically pure and, consequently, were unsuitable for scientific captive-breeding, zoological scientific exchanges, or for release projects.

Additionally, there have been rumours of tigers, particularly cubs, being sold domestically and abroad and of carcasses (or parts of them) being sold for medicinal manufacturing purposes. One seizure of live tigers in Cambodia, said to originate in Thailand, appears to corroborate such rumours. At the time of the mission, newspapers were reporting allegations of specimens being 'missing' from one registered zoo and the matter was under investigation.

As in many other parts of Asia, the tiger is held in great esteem in Thailand, is an important figure in legend and religion and the possession of live animals and parts has traditionally indicated power, wealth and social status. The team believes that there are persons in Thailand who continue to see the tiger as a source of wealth. It is essential, if such persons are to use tigers commercially and profit from their use, that they do so in compliance with domestic and international law and that they take account of the risks commercial trade may pose to wild populations.

As part of its examination of this subject, the team visited Sriracha Tiger Zoo. This facility has enclosures of the type familiar to zoo visitors across the world where tigers are on display to the public. There is also an area that is more of a circus in nature and further areas where tiger cubs are on display, some of which can be handled by visitors and photographed with visitors. There are also points where tiger cubs can be seen apparently suckling on pigs, although the team learned that this is something of a stunt and that the cubs do not actually obtain milk from the sows.

The zoo is privately owned. The tiger population in the facility started with two males and two females in 1987. At the time of the team's visit there were 368 tigers recorded as being on the premises. The zoo had seven carcasses registered as being kept for display purposes. From the start of 2002 to 26 June 2002, 89 tigers had been born at the zoo, with five deaths recorded.

The team was told that breeding females could produce 4-10 tigers each year and that 10 females were being used for breeding at that time. Females are sexually active from 3-12 years of age. Life expectancy for tigers in the zoo ranges from 15-20 years.

The zoo was first registered by the RFD in 1996 and held 125 tigers at that time. It was registered at that time because of the enactment of WARPA. In that year two pairs of tigers from another zoo in Thailand were introduced to improve the diversity of the breeding stock since some deformities in cubs were being noticed; crooked tails and a lighter colour in their coats. Inbreeding or deformities are no longer regarded as a problem. The tigers in the facility are thought to be primarily of the Bengal (*Panthera tigris tigris*) species.

20 tigers have been trained to engage in performances for the public and 200 tigers are usually on display to the public; the rest being kept in the breeding areas.

RFD and the zoo agree that the facility has a maximum capacity of 400 hundred tigers and that this should not be exceeded. It is unclear, however, whether such a limit has been formally set by RFD and how the zoo would comply with such a limit. At the time of the team's visit, no contraception was used and breeding was prevented simply by keeping males and females apart.

At the current rate of births, the 400 limit will soon be reached. Indeed, the number of births recorded in the first part of 2002 would seem to exceed what is physically possible using breeding capability figures provided by the management, although deaths so far in 2002 seem to be lower in ratio with those of 2001 (5:29). In any case, the fact remains that the facility has the capacity to produce very large numbers of tigers. Whilst the team saw no evidence of this, it was conscious that there must exist a potential for what might best be described as an illegal off-take from such a facility. The team did note, however, that in randomly applied tests during its visit to Sriracha Tiger Zoo every animal was found to have a microchip implanted.

The facility has been open to the public for five years. It had 1.2 million visitors in 2001, of which only ten per cent were citizens of Thailand. When entry fees of an average of USD 1 per visitor are combined with receipts from souvenir shops, performances, and refreshment outlets, there is obviously potential for significant profits to be made by the zoo. The team was told, however, that it would be another five years before start-up costs are recovered. The zoo is owned by the same company that operates the Sriracha crocodile farm, which also has farms to produce food for the tigers and crocodiles.

Zoo management with whom the team spoke were adamant that the purpose in continued breeding was simply so that the facility can claim to have the world's largest number of tigers in one place. However, RFD officials said they were aware that the zoo owners have speculated whether there may be opportunities for commercial trade in tigers from the zoo and that the owners recognize this will have CITES implications. The team was also aware of media reports of political figures in Thailand who have raised the issue of commercial trade in captive-bred tigers and who would like to see this implemented.

The zoo manager admitted that approaches had been made to the zoo to sell tigers but denied having responded to such requests. He said these had been made by persons seeking tigers for exotic pet purposes and not for the skin or bone trade.

Prior to its mission, the team leader had received information alleging that there were tigers in captivity that had not been registered with the RFD and that some registered facilities had numbers of tigers that were not accurately reflected in RFD records. These details were passed to the RFD, which agreed to investigate the allegations. The possession by individuals or companies of large numbers of tigers could potentially have significant consequences for enforcement authorities should compliance problems be discovered. For example, if it were discovered that a large captive-breeding operation had engaged in serious unlawful activities and was deemed unfit to continue to possess animals, how would the Royal Forest Department or a court dispose of perhaps hundreds of tigers? Whilst this might be regarded as pure speculation, the team learned that it is a scenario that RFD has acknowledged could occur and is a spectre that haunts officials.

The team believes that the large number of tigers in captivity in Thailand and the significant amount of captive breeding that is taking place offers considerable potential for illicit activities. It is also concerned that a desire to see a return for investment and the apparent involvement of or links to persons with political influence might lead to decisions being taken that would not be in the best interest of the conservation of wild populations of tigers. It urges the CITES Management Authority of Thailand to increase its monitoring of tigers in captivity and of captive breeding facilities and to make plain to policy-makers in government the current international resistance to the use of this species, even specimens bred in captivity, for primarily commercial purposes. **(Recommendation 4)**

Whilst considering the general issue of captive-breeding and licensed keeping of endangered species, the team was struck by the fact that Thailand, and no doubt other countries, has registered as zoological gardens facilities that may not deserve to be described in such terms. Sriracha Tiger Zoo, for example, is highly unlikely to meet the criteria for admission to some of the regional and international zoo associations but is rather essentially a place of public entertainment. The team also had in mind some recent violations of the Convention where illicit trade in specimens of CITES-listed species, including some highly endangered Appendix-I species, has occurred where the trade purported to be of a scientific nature but had significant commercial aspects. The team met an individual in Thailand with considerable knowledge of zoo operations in Asia who said that unwillingness by zoos in North America and Europe to participate in scientific exchanges with Asian zoos had led several Asian zoos to acquire specimens for exhibition, to help increase visitor numbers, without caring greatly whether the specimens were of a legal origin or not.

The team believes the fraudulent or improper acquisition by zoos of specimens of CITES-listed species, particularly those in Appendix I, should be a matter of concern to the Convention. It also believes that some facilities that are currently registered or regarded as zoos do not deserve this status and may exploit it to abuse the provisions of the Convention and Resolutions relating to primarily non-commercial imports under Article III of CITES.

The team suggests that the CITES Secretariat should discuss this issue with relevant bodies, such as the World Association of Zoos and Aquariums and the Animals Committee. In particular, it suggests that the role of wildlife dealers who facilitate the acquisition of specimens for 'zoos' should be examined, perhaps with a view to considering whether the registration of such dealers might be appropriate and whether additional guidance should be incorporated in Resolution Conf. 5.10 (Definition of 'primarily commercial purposes'). **(Recommendation 5)**

#### Crocodile farming

The team took the opportunity to visit the Sriracha Crocodile Farm in Chonburi where approximately 100,000 crocodiles are in captivity and are being farmed, primarily for the leather industry. However, crocodile meat, livers and freeze-dried blood are also sold and exported, mainly to China. Sixty crocodiles per day are slaughtered. The farm has a slaughterhouse, tannery and manufacturing facility on site but

also exports skins for processing abroad. The facility is a CITES-registered captive-breeding operation. Crocodile skin products are available on site and are also sold in the nearby Sriracha Tiger Zoo.

Purchasers of products, such as handbags and belts, who intend to export them, are supplied with a CITES export permit by the shop and this has to be endorsed at the time of export. This system was tested by the team and found to be effective. It noted, however, that the permit currently requires to be endorsed by a CITES official of the Royal Forest Department or the Department of Fisheries. It believes that ordinary tourists might encounter problems in readily contacting a CITES official, for example at Bangkok International Airport due to the demands upon them in dealing with freight traffic, and it may help the process to authorize Customs officers to endorse permits.

### **Traditional medicine**

The team examined concerns that had been raised by non-governmental organizations (national and international) that traditional medicines using parts from CITES-listed species were on sale in Thailand and that some such medicines were being manufactured in Thailand. In particular, it had been reported that medicines using tiger bone were being manufactured and sold in Thailand.

The team met with officials from the Food and Drug Administration (FDA) and learned that, until early 2002, the Administration had no knowledge of CITES and its implications on the use of specimens from species of conservation concern in medicinal products or those products that might be regarded as health supplements.

The primary legislation relating to this subject in Thailand is the Drug Act 1967, together with its various amendments. The Drug Committee (established under the Act) has, as part of its duties, the responsibility to determine whether 'drugs' (including substances used to treat disease or illness or affect health) may be exported, imported, sold or manufactured in Thailand. If a drug is approved, it will be registered by the FDA and allocated a registration number. The FDA will, of course, take account of and note the ingredients in any drug.

Herein lay many of the enforcement problems that faced government officials in Thailand when they attempted to respond to the concerns raised by the NGO community and CITES regarding CITES-listed species forming the ingredients of some drugs. In the first place, officials responsible for CITES enforcement had focussed their attention on whether such drugs contravened legislation relating to wildlife and had, in the main, determined that their capacity to respond was limited by an inability to demonstrate, forensically, the presence of such species in the drugs. CITES officials turned to the FDA to see if it could assist but, initially, this only made matters worse. This was because it was found that many of the products that were of concern to the wildlife conservation community had previously (sometimes many years previously) been registered by the FDA and were consequently being legally traded under the Drug Act. The team recognized that it would have been unrealistic to expect any prosecutor to take action against anyone trading in goods that could have been illegal under one law yet legal under another.

Thailand appears, however, to have responded very promptly and effectively to this dilemma. The Drug Committee withdrew its approval of products containing tiger, rhinoceros and other species of main conservation concern. The FDA and CITES officials held two seminars with drug manufacturers and retailers and explained the implications of CITES. Further seminars and action to raise awareness of CITES are planned. A period of grace of six months was given for all products that contained CITES Appendix-I species to be withdrawn from sale and for all manufacture of such products to cease. The six-month period expired on 31 August 2002; the day the technical team left Thailand.

The FDA of Thailand also intends to raise the issue of CITES and medicines through its ASEAN connections.

The team spent some time visiting traditional medicine shops in Bangkok, particularly its Chinatown district, and found considerable awareness of the recent action by the FDA and was told repeatedly by shop owners and traditional medicine pharmacists that, for example, the sale of tiger bone products was illegal. Shops visited included some of those previously identified in a report by the Environmental Investigation Agency as

suppliers of tiger bone products. The only items the team was able to obtain were the 'tiger bone plasters' that have long been in trade and which appear to have been manufactured in China. It was noted that the plasters were of the types that bear images of a tiger or lion but which actually list leopard bone as an ingredient. CITES enforcement personnel first saw these being traded internationally in the 1990s and the use of the word leopard in the list of ingredients replaced the previously used word tiger. In all other respects the products and packaging seems identical and the change from using the word tiger to leopard seems to have been in response to the outlawing of tiger bone in traditional medicine manufacture and sale in many countries. Such plasters were very cheap in Bangkok, selling at either THB 5 or THB 10 each.

At a pavement stall in Bangkok's Chinatown the team was able to purchase a box featuring the picture of a tiger that the stallholder said contained bottle of tiger bone pills. This cost THB 90. However, subsequent translation of the ingredients, listed in Chinese, showed the bone to be described as dog.

The team also visited the Ouay Un Dispensary Co. Ltd. of Bangkok that had previously engaged in the manufacture and sale of medicines using tiger bone as an ingredient. In response to the approaches by FDA, Ouay Un had contacted all its retailers and requested the return of such products and had offered to replace them. The company had a total of 75 products registered with the FDA; nine of these contained parts of tiger. Of these nine, only two were regularly manufactured and sold; tiger glue and tiger bone pills. These products had subsequently been altered and a traditional Thai herb, *Cryptolepis buchanani*, has now replaced tiger bone. The product packaging has also been altered by removing the previously used image of a tiger. The team noted that the same FDA registration number is used for the new product as was allocated to that containing tiger bone. The Managing Director of the company, whose family has been involved in traditional medicine for three generations, told the team that tiger bone products accounted for only 1-2 per cent of his trade.

The Managing Director said that the company acquired tiger bone in its raw state from in Myanmar near its border with Thailand, usually in quantities of 500 grams at a time. The last time any had been purchased was in either September or October 2001 and the company no longer had any in stock. Tiger bone usually sold in Myanmar for THB 500-800 per kilo. He said that 1 kilo of tiger bone would be sufficient to produce 500 bottles of tiger bone pills (22,000 pills). The advice to users was to take 10 pills three times per day. The team was told that most customers for this type of product were Thais of Chinese descent or ethnic Chinese visitors to Thailand.

The price quoted for raw tiger bone struck the team as being much less than has been quoted before elsewhere and questioned the Managing Director as to whether he was satisfied that the company had been supplied with genuine tiger bones. He was adamant that it had and said that he had many years of experience in working with tiger bones and said he could recognize the real thing.

What the team found rather difficult to believe was the Managing Director's assertion that he was unaware of any restrictions on the use of endangered species in medicines until the FDA had brought this to his attention in December 2001. This seemed completely at odds with the considerable attention given to this subject by the traditional medicine community in recent years. The fact that he or his staff had to cross into a neighbouring country to obtain raw ingredients ought surely to have raised their suspicions about the legality of such transactions.

The FDA and RFD intend to conduct inspection activities at relevant outlets following the end of the period of grace, to ensure compliance. Any violations will be dealt with either under drug or wildlife legislation, as appropriate. The team noted, however, that there remains considerable work to be done between the FDA and RFD to ensure a greater understanding by officials responsible for implementing the Drug Act of the implications of CITES. FDA officials acknowledged that it will take some time for them to fully come to terms with the huge number of species regulated by CITES and the number that may be part of medicinal products. The team believes, however, that an excellent start has been made and that the joint action by FDA and CITES officials offers an example that is very worthy of being followed elsewhere in the world. It imagines that the conflict where something is illegal under wildlife law but legal under drug legislation is likely to be happening in other parts of the world and deserves attention.

The team urges Thailand to be aware that the actions it has taken, and will take, relating to traditional medicine must also take account of the fact that there has clearly been a demand for products with endangered species (such as tiger) as ingredients. Consumers of such medicines may very well have traditional and cultural beliefs in the effectiveness of such products and may not readily switch to alternatives. Consequently, some of the demand and supply of such products will inevitably move 'underground' and 'black markets' will take the place of what was, prior to RFD and FDA actions, potentially open to scrutiny. Violations of national and international law may, thus, be harder to detect.

### Trade in ivory

Thailand has a long tradition of ivory carving, which has been documented by a number of researchers. Recent surveys, together with evidence of significant seizures of ivory being smuggled into the country, indicate that the carving industry is using raw ivory exported illegally from Africa. It follows that such ivory must also have been obtained illegally in Africa, presumably by poaching of elephants.

Enforcement officials in Thailand have a difficult task in regulating the ivory trade. Ivory carving and sales are legal in Thailand, if the ivory is of domestic origin or was imported prior to the CITES ban on international trade in ivory. Thailand has a large number of elephants that are regarded as 'domestic' and which are mainly in private ownership. RFD has no control over such elephants. Instead, regulation of these animals is the responsibility of the Ministry of the Interior and domestic elephants are registered in a manner very similar to how one would register a motor vehicle. Over 3,000 domestic elephants are registered, whilst the wild elephant population is believed to number some 2,000.

It is also a tradition for owners of domestic elephants to sell ivory from their animals to the carving industry, either as whole tusks after the death of an elephant or as pieces cut on an irregular basis from the tusks of live animals. The removal and sale of part of the tusk from live animals should be recorded on the registration document relating to the individual elephant.

In practice, however, it seems widely recognized that this means of supply to the carving industry is insufficient to cope with the demand. It is also acknowledged that most Asian elephant specimens in Thailand do not have large enough tusks, even when they can be obtained whole, to cater for some of the large carved pieces that the industry has historically produced and offered for sale. Consequently, the carving industry has historically made use of ivory from African elephants and has clearly continued to do so, in an illegal manner, following the 1989 international ban on trade in ivory; although there do also seem to be some stocks of African elephant ivory stockpiled prior to the ban. The team heard from various sources that perhaps ninety per cent of the ivory carved in Thailand was of African origin, although such reports seemed anecdotal and not based on specific evidence.

It is very difficult to determine the age of ivory and to distinguish from which species of elephant it comes. Consequently, there has perhaps been reluctance on the part of enforcement agencies to actively engage in regulation of domestic sales. There seems, however, no reluctance to try to combat illegal imports of ivory; as demonstrated by the seizures made by Customs at Bangkok International Airport. Following recent attention given to the trade in ivory in Thailand by researchers and the media, CITES officials have engaged in something of a crackdown and several carvers have 'voluntarily surrendered' ivory that was of dubious origin. Some ivory has also been seized using Customs legislation because of the detection of a failure by some carvers to declare it for tax purposes.

The team visited Phayuha Khiri in Nakornsawan Province, the centre of Thailand's ivory carving industry, but found very limited numbers of ivory pieces for sale (in dramatic contrast to significant quantities seen by other researchers). Most items were very small and of poor quality and shopkeepers were reluctant to allow goods to be examined or to answer any questions. It appears this resulted from recent enforcement actions when RFD officers, together with a 60-strong squad of Royal Thai Police had conducted inspections in the area.

By comparison, when the team visited the town of Mae Sai, situated at the most northern part of Thailand at its border with Myanmar, shopkeepers encouraged the team (thinking its members to be tourists) to inspect items for sale and to engage in bargaining sales. Worked ivory pieces ranged from very small elephant and Buddha figures, quite intricate carvings of larger Buddha and animal figures, to whole carved or plain polished tusks. Prices noted were, for example: a pair of semi-worked tusks for THB 25,000; individual chop/hanko at THB 2,800; and carving of elephants at THB 5,000.

However the finest work encountered by the team was in the shopping arcade of a large luxury hotel, operated by an international hotel chain, in the centre of Bangkok. One shop in particular had pieces of a very high standard, including intricate netsuke-type figures in the Japanese style. One pair of semi-worked tusks was on offer for THB 140,000. Individual chops/hankos were priced from THB 2,200. A carved figure of Buddha, approximately 16 cm high, was priced at THB 35,000. One pair of polished unworked tusks was priced at USD 2,600.

The shop also sold crocodile skin products and had CITES export permits available for supply to purchasers. Worryingly, the shopkeeper was adamant that she could also supply CITES export permits for ivory products but was unable to show an example to the team. She said she had to buy permits separately from RFD. RFD CITES officials vehemently deny that export permits can be obtained for ivory specimens and the team is satisfied that the claim was simply a ruse on the part of the shopkeeper to make a sale. The shopkeeper stated that all the ivory was of Thai origin but the team is of the opinion that the size of some tusks on offer were probably too large to have come from Asian elephants.

This was not the first time that team members had encountered specimens of CITES Appendix-I listed species for sale in high-quality hotels and also shop assistants who reassure prospective customers that items can be exported legally when this is not true. The team believes it is incumbent upon the management of such hotels to supervise such shops within their premises and to reduce the chance of their guests innocently purchasing items and subsequently running the risk of the items being confiscated and the guests being prosecuted. The team suggests that the CITES Secretariat should consider contacting the headquarters of the main international hotel chains and alerting them to the fact that violations of national and international law may be taking place on their premises and encourage them to play a more active and responsible role in wildlife conservation. **(Recommendation 6)**

Whilst acknowledging efforts by RFD and Customs to seek compliance by the carving industry and to target the smuggling of ivory, the team believes there is scope for the RFD Wildlife Protection Section to do more to target retail outlets for ivory, especially those whose main customer base is tourists. It also encourages enforcement agencies to seek out and use the techniques currently in development, such as isotopic examinations, to distinguish ivory of different elephant species. The team noted media reports whilst it was in Thailand that new legislation regarding domestic elephants is being considered by the Government. It urges the CITES Management Authority to actively contribute to the development of any fresh legislation or policies. It also encourages the Authority to take the opportunity to improve controls of domestic trade in ivory in the CITES-related legislation it is currently preparing. At the very least, such controls should comply with the recommendations regarding internal ivory trade in Resolution Conf. 10.10 (Rev.) (Trade in elephant specimens). **(Recommendation 7)**

The team believes, however, that the steps recommended above will not address the long-term issues related to trade in ivory, which it believes must be adequately addressed in the forum of CITES in a more effective manner than has recently been achieved. It is of the opinion, from an enforcement perspective, that simple prohibitions on trade are seldom effective, especially if (as is the situation in Thailand) legitimate markets exist for a product and where potential legal sources exist to supply the demand of those markets.

### General enforcement issues

Thailand is a country with great biodiversity. It is also home to a large number of CITES-listed species of conservation concern. It is, consequently, a target for poachers and persons engaged in illicit trade in wildlife. Its geographical position and modern transport infrastructures also lend themselves to the smuggling of a range of illicit goods including, of course, wildlife. Thai officials have noted, for example, an increase in seizures in the northern part of the country since Chiang Rai Airport introduced direct flights to Kunming in China. Smuggling via Nakhon Phanom to the Lao People's Democratic Republic has also increased significantly recently. Thailand is also a transit country for specimens smuggled to and from Cambodia, Malaysia and Myanmar.

The team noted during its time in Thailand that English-language newspapers carried several reports of seizures of illegal wildlife shipments being smuggled through Thailand. It understands that Thai-language newspapers provide similar coverage. Officials have observed that the smuggling of pangolins (*Manis spp.*) through Thailand has reached serious levels in recent months, with over 10,000 individuals being seized between January and August 2002.

An individual based in Thailand told the team that poaching of bears was a serious problem in Thailand, combined with illicit trade in their parts. It did not, however, receive corroboration of this allegation from any other source. In fact, the team saw relatively few wildlife products openly on sale of an illicit nature. In Mae Sai near the Myanmar border, team members were offered teeth priced at THB 700 each, which the shopkeeper alleged were tiger but which officials thought were more likely from leopard.

Interestingly, at the Mae Chan Forest Police and CITES Wildlife Checkpoint station the team saw a skull and antlers that looked very much to be from Tibetan antelope (*Pantholops hogsonii*). The enforcement staff present could not remember the circumstances of the seizure of this item and did not realize from which animal it had come. It struck the team that some of the tourists shops of Bangkok would make excellent outlets for shahtoosh shawls but were unable, during brief research, to find any in Bangkok. CITES staff in Thailand seemed generally unaware of shahtoosh and had not encountered trade in Tibetan antelope wool. The team took the opportunity to raise their awareness of this form of illicit trade.

Everywhere one goes in Thailand, especially in border areas, there is considerable attention given to publicising the country's anti-narcotics stance. For example, outside Chiang Rai Airport there is a large sign saying, "Thailand welcomes all visitors. Except Narcotics traffickers". The team believes there is scope for considerably greater efforts to be made with regard to wildlife crime and illicit trade. It is aware that the World Wide Fund for Nature in Thailand is working with a number of organizations, including tourist groups and hotel chains, to encourage the purchase of only legal and sustainably produced goods but it thinks more crime prevention initiatives should also be undertaken. For example, ports (especially Bangkok International Airport) should have CITES-related posters or signs displayed, warning against involvement in illegal trafficking of wildlife.

### The role of non-governmental organizations

Several major international non-governmental organizations are active in Thailand and have been for many years. Of particular interest to the team were the activities of WildAid. This organization, originating in the United States of America and benefiting from financial support from its government, has been closely involved in tiger conservation issues for a considerable period. It has been involved from a very early stage with the highly successful Inspection Tiger specialized environmental law enforcement unit in the far east of the Russian Federation. It has also assisted wildlife law enforcement efforts in Cambodia.



WildAid is currently engaged in a number of training and conservation projects in Thailand, the main one perhaps being that in Khao Yai National Park where the NGO has supported enforcement personnel with the supply of equipment and has engaged in extensive training and ongoing support of enforcement personnel. It also independently, or in conjunction with other NGOs, promotes conservation education and public awareness of the threats faced by endangered species.

The team was surprised, however, to learn that many RFD officials (including the Director of the RFD Forest Protection Division, who is the most senior enforcement officer of RFD) were unaware of the details of WildAid's activities. There also seemed to be little or no liaison between WildAid and the CITES Management Authority of Thailand; even though WildAid is engaged in endangered species conservation awareness campaigns. This was all the more surprising given that WildAid told the team that it hopes to sign a memorandum of understanding with the Director General of RFD to establish a South East Asia Wildlife Protection Training Center in Thailand, where enforcement personnel from throughout the region would receive training. The team noted that the training currently provided by WildAid is somewhat para-military in nature, perhaps reflecting the backgrounds of some WildAid employees.

The team does not seek at all to criticize the work being done by WildAid and does not question the good intentions behind its initiatives. It believes that WildAid deserves to be commended for its contribution to conservation and wildlife law enforcement. It encouraged WildAid staff to liaise with the CITES Secretariat's Capacity Building Unit for the mutual benefit of both organizations. However, in keeping with the concerns raised by the previous CITES Tiger Missions Technical Team, it believes that Parties to CITES should be very careful not to devolve responsibility for enforcement initiatives to NGOs and that it must always be governments that remain in control of activities.

The team is firmly of the opinion that only persons with appropriate professional enforcement backgrounds should engage in the training of enforcement personnel. Wherever possible, persons with relevant specialist expertise from national enforcement agencies in the country where the training occurs should be used; this reflects the policy of the CITES Secretariat and the CITES Tiger Enforcement Task Force in the wildlife law enforcement training course for tiger range States conducted at the National Police Academy of India in May 2002. Likewise, the curricula of training programmes and the material used in training programmes should be subject to review by appropriate government agencies. It is especially important that the content of training should be assessed by senior management of Police, Customs and judicial authorities to ensure that it properly reflects the legislation and policies of the country in which it is to be delivered, before it is delivered.

**(Recommendation 8)**

The team was also made aware of the wildlife trade awareness campaign being co-ordinated by the WWF Thailand programme office. This initiative has been ongoing since 2000 and has moved from collecting information about wildlife and wildlife products available for sale in Thailand to disseminating 'buyer beware' information to arriving passengers at Bangkok International Airport. The campaign is co-ordinated by a steering committee that includes members of the Thai CITES Management Authority and other key government agencies.

The campaign has engaged the Thai hotel association and is working through the Tourism Authority of Thailand to further promote understanding of Thailand's role in both legal and illegal wildlife trade. The WWF campaign has also played a key role in engaging members of the Thai parliament; most notably through the organisation of a national seminar on "Solving the Wildlife Trade" at the parliament in June 2002, which brought together members of parliament, judges and lawyers, and high ranking officials from many government agencies. Recommendations for further action were due to be presented on 9 September 2002 to the Thai House Committee on Environment and Natural Resources and were to include the following themes: the improvement of national policy and the legal framework for natural resources management and law enforcement; the reform of State agencies concerned; capacity building of key government agency personnel; and the improvement of coordination among relevant government agencies and the private sector working on the environment.

The team was impressed with the multi-stakeholder strategies of the WWF campaign but was rather concerned by the “Sustainable Use” Wildlife Certification Scheme for retailers, initiated under the auspices of a 14-strong group comprising WWF and other non-government organizations. While the certification effort is intended to be compatible with the goals of the CITES process and the concept of ‘sustainable use’, the lack of involvement of Thai regulatory authorities in this process renders the certificates ‘unofficial’ and therefore apparently not subject to any measures for non-compliance. There is also the chance that such certificates may be abused to launder illegal specimens in the wildlife trade.

### Conclusion

In general, the team found Thailand’s implementation no worse than several other countries in Asia and considerably better than some. Indeed, Thailand seems to have many of the resources and infrastructure required to combat illegal trade and to effectively control trade in specimens of CITES-listed species. In fact, Thailand has an opportunity to stand out as an example for other parts of the region.

However, the team formed the impression that high levels of government, including perhaps the most senior levels of enforcement agencies, do not appreciate the seriousness of wildlife crime affecting Thailand, especially smuggling of wildlife through the country. It is understandable that policy makers might concentrate on other criminal activities, such as the cultivation, manufacture, smuggling and sale of narcotics. However, the war against drugs will inevitably be a series of long-term battles. Many endangered species cannot wait for enforcement agencies to win long-term battles and the war against wildlife crime will be lost for species such as the tiger if urgent action is not taken in the immediate future.

The team believes that there is scope for greater political commitment by Thailand to implement the Convention and to play a full role in combating illicit trade in wildlife. The team was greatly impressed by the many the individuals in Thailand who are committed to this task; they deserve and need greater support from all levels of Thai society. The opportunity exists, especially if CoP13 is to be held in Bangkok, for the Government of Thailand to make its country a showcase for the Convention. The team urges it to do so.

### Summary of recommendations

1. Directed to Thailand; regarding coordination of enforcement activities (page 7)
2. Directed to Thailand; regarding bonus and informant schemes and the wearing of uniforms by enforcement personnel (page 7)
3. Directed to Thailand; regarding tiger population surveys (page 8)
4. Directed to Thailand; regarding tigers in captivity (page 10)
5. Directed to the CITES Secretariat; regarding the acquisition of specimens of CITES-listed species by zoos (page 10)
6. Directed to the CITES Secretariat; regarding sales of wildlife products in the premises of major international hotel chains (page 15)
7. Directed to Thailand; regarding trade in ivory (page 15)
8. Directed to Thailand; regarding involvement of NGOs in enforcement -related issues (page 17)

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