

## Wildlife

### **The Forgotten Elephants**

A review of the illegal trade  
threat to Asian elephants in the  
Greater Mekong Sub-region

November 2024



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## ABOUT EIA

We investigate and campaign against environmental crime and abuse.

Our undercover investigations expose transnational wildlife crime, with a focus on elephants, pangolins and tigers, and forest crimes such as illegal logging and deforestation for cash crops such as palm oil. We work to safeguard global marine ecosystems by addressing the threats posed by plastic pollution, bycatch and commercial exploitation of whales, dolphins and porpoises. Finally, we work to avert climate catastrophe by strengthening and enforcing regional and international agreements that tackle short-lived climate super-pollutants, including ozone-depleting substances, hydrofluorocarbons and methane, and advocating corporate and policy measures to promote transition to a sustainable cooling sector and away from fossil fuels.

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## ACRONYMS

**AITR:** Annual Illegal Trade Report  
**ASESG:** Asian Elephant Specialist Group  
**ASERSM:** Asian Elephant Range State Meeting  
**ASEAN:** Association of Southeast Asian Nations  
**AZA:** Association of Zoos and Aquariums  
**CITES:** Convention on International Trade in Endangered Species of Wild Fauna and Flora  
**COP:** Conference of the Parties (CITES)  
**DNA:** Deoxyribonucleic acid  
**ETIS:** Elephant Trade Information System  
**GMS:** Greater Mekong Subregion  
**GTSEZ:** Golden Triangle Special Economic Zone  
**INTERPOL:** International Criminal Police Organization  
**IUCN:** International Union for Conservation of Nature  
**MECAP:** Myanmar Elephant Conservation Action Plan  
**MIKE:** Monitoring the Illegal Killing of Elephants  
**NIAP:** National Ivory Action Plan  
**NGO:** Non-Governmental Organisation  
**PIKE:** Proportion of Illegally Killed Elephants  
**SAFE:** Saving Animals From Extinction (AZA)  
**SC:** Standing Committee (CITES)  
**TCM:** Traditional Chinese Medicine  
**UNODC:** United Nations Office on Drugs and Crime  
**WARPA:** Wild Animal Reservation and Protection Act  
**WCO:** World Customs Organization  
**WEN:** Wildlife Enforcement Network

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# Executive Summary

Asian elephants have been categorised as endangered for nearly four decades and their cross-border commercial trade has been banned for almost 50 years. The threats posed by human-elephant conflict and habitat loss on the species have been well documented, although less systematic attention has been given to the threat of poaching and illegal trade.

The last known study of illegal trade relating to Asian elephants was conducted by the non-governmental organisation Elephant Family in 2019, which found that the illicit trade in Asian elephant skin and its products had increased online and expanded geographically.

Since then, there has been a marked lack of research into the topic, a gap potentially exacerbated by the COVID-19 pandemic and regional conflict. This research vacuum is compounded by a lack of reporting on the implementation of key recommendations by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which target the threat from illegal trade. An incomplete understanding of the illegal trade threats facing the species may well represent another untenable risk to this ecologically and culturally significant animal.

The Greater Mekong Sub-region (GMS), a transnational region of the Mekong River basin in South-East Asia, has been significantly implicated at all stages of the illegal wildlife trade chain supply, involving highly threatened species of fauna and flora, including the Asian elephant. Previous research has shown how criminal networks have targeted both live Asian elephants (captive-

bred and wild) and their parts and derivatives to meet demand in the region and beyond, potentially accelerating the decline of Asian elephant populations.

While comprehensive studies and efforts have been made to better understand and tackle the illegal trade threat posed to African elephants, there is a comparatively limited understanding of the trafficking flows and its impact on their Asian counterparts.

With support from the US Fish and Wildlife Service's Asian Elephant Conservation Fund, the Environmental Investigation Agency (EIA UK) is commencing a multi-year project to update stakeholder knowledge of the current nature, scope and scale of illegal trade threats facing Asian elephants in the GMS.

This literature review has been conducted as the foundational step to contextualise the project by summarising and synthesising available research, policy and legislative interventions with the aim of establishing a baseline to inform and guide the subsequent phases of the project while providing a functional resource for stakeholders linked to Asian elephant conservation.



Image: Asian elephant populations have declined due to habitat loss, human-elephant conflict and illegal trade threats



## Key findings

In undertaking this literature review, EIA notes the following key thematic findings:

### A lack of systematic study into the nature, scope and scale of illegal trade threat posed to Asian elephants

- There is currently no comprehensive study underway regarding illegal trade in Asian elephants and their parts and derivatives. This is partly due to its complexity as it involves both wild and captive populations. Elephant Family appears to be the first and only entity to have investigated the illegal elephant skin trade chain to date. Since 2019, there has been a lack of published data from field studies on illegal trade in Asian elephant parts and derivatives.
- Despite acknowledgement of the illegal trade threat posed to Asian elephants, there is limited publicly available information on the topic.

### Asian elephants have been targeted for both illegal live trade and illegal trade in their parts and derivatives

- Based on available information provided by CITES, range countries and conservation organisations, while the poaching crisis for African elephants is driven by illegal trade in ivory, Asian elephants appear primarily targeted for their parts and derivatives, in particular skin.
- Available evidence suggests that tourism is the principal driver of the trade of live Asian elephants, whereas Asian elephant parts and derivatives such as skin have been targeted for jewellery and medicinal purposes.

### The GMS has played, and continues to play, a significant role in the illegal trade in Asian elephants and their parts and derivatives

- In the GMS, available research indicates that Myanmar has historically been a prominent source country for live elephants and their parts and derivatives to supply the demand in the region and beyond, while China and Thailand have been noted as significant consumer countries.
- Mong La and Tachilek markets in Myanmar and the Golden Triangle Special Economic Zone (GTSEZ) in Laos have previously been flagged as significant hubs for illegal trade in Asian elephant parts and derivatives.
- Recent research by EIA indicates that the illegal trade of dried elephant skin and skin beads continues to be prevalent in the GMS through online platforms and involves traders from Vietnam and China.

### Despite efforts made by international bodies and range countries, law enforcement and criminal justice responses to illegal trade in Asian elephants and their parts and derivatives have been insufficient

- Across six range countries in the GMS including Cambodia, China, Laos, Myanmar, Thailand and Vietnam, wild Asian elephants are offered some protection under national legislation, but legal loopholes continue to exist and provisions regarding trade in Asian elephants have not been adequately enforced.
- Ivory sourced from captive elephants in Laos, Myanmar and Thailand may still be legally traded. This represents a critical loophole for wild elephant ivory to be laundered into the legal trade market.
- Factors hindering effective enforcement have historically included a lack of tangible evidence to draw attention from relevant law enforcement agencies; outdated and ineffective registration systems; lack of effective investigation and cooperation; and ineffective anti-corruption measures.
- The status of implementation of measures to address the illegal trade threat to Asian elephants under CITES and regional frameworks including Jakarta Declaration (2017) and Kathmandu Declaration (2022) is unclear.



## Recommendations

- **Systematically update the knowledge base on illegal trade threats facing Asian elephants**

The CITES Secretariat, range states, intergovernmental, non-governmental organisations and other relevant stakeholders are encouraged to collaborate to continuously study and monitor the illegal trade threat posed to Asian elephants to inform conservation and policy measures

- **CITES Decisions, Resolutions and regional declarations must be implemented and reported upon by range countries**

The implementation of CITES provisions that aim to tackle illegal trade in Asian elephants should be enforced. These include annual reports by range countries to the CITES Secretariat on incidents involving Asian elephants, arrests and prosecution outcomes. This would align with commitments under the Kathmandu Declaration.

- **Improved registration systems of captive elephants**

Range countries are encouraged to develop robust DNA-based registration systems to better manage captive elephant populations in country and across borders and prevent wild Asian elephants from being laundered into captive facilities. The CITES Secretariat, CITES Parties, intergovernmental and non-governmental organisations are encouraged to support Asian elephant range countries in this process.

- **Enhanced regional and international cooperation between range countries**

Illegal wildlife trade is a serious transnational crime that calls for a multi-agency and multinational approach. Information suggests trade in Asian elephant parts and derivatives is transboundary and, as such, range countries are encouraged to exchange intelligence and best practices through multilateral and bilateral agreements to tackle the issue with other stakeholder support as required.

- **Legislative loopholes should be reviewed and addressed by range countries**

Range countries are encouraged to review and amend remaining loopholes in legislative frameworks that are key to addressing illegal trade in Asian elephants and their parts and derivatives. These include closing remaining legal ivory markets in range countries, removing legal provisions which allow the production and trade in derivatives and enhancing management of captive elephant populations.

- **Strengthened law enforcement and criminal justice responses**

Law enforcement agencies need to conduct intelligence-led investigations into criminal cases involving Asian elephants to deter and disrupt individuals and organised networks responsible for poaching and illegal trade in parts and derivatives of the species. This includes the implementation of anti-corruption measures to promote transparency and government accountability to better respond to corruption facilitating wildlife crime.



Countries	Wild elephants	Captive elephants	Total
Bangladesh	268	96	364
Bhutan	605-761	9	614-770
Cambodia	400-600	71	471-671
China	300	200	500
India	30,000	2,675	32,675
Indonesia	924-1,359	467 <sup>16</sup>	1,391-1,826
Laos	300-400	350-450	650-850
Peninsular Malaysia	1,220-1,680	14	1,306-1,766
Sabah Malaysia	1,000-1,500	23	1,023-1,523
Myanmar	1,200-2,000	5,000	6,200-7,000
Nepal	203-277	176	379-453
Sri Lanka	5,879	364	6,243
Thailand	3,168-3,481	3,783	6,951-7,264
Vietnam	109-134	88	197-222
<b>Total</b>	<b>45,576-48,639</b>	<b>13,388-13,448</b>	<b>58,964-62,127</b>

Table 1: As of 2022, the approximate population of wild and captive Asian elephants across 13 range countries<sup>17</sup>

## Introduction

Since 1986, the Asian elephant (*Elephas maximus*) has been listed on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species as Endangered<sup>1</sup>, indicating that the species faces a very high risk of extinction in the wild.

Over the past century, Asian elephant populations have declined drastically by more than 50 per cent and this downward trend is projected to continue, particularly in South-East Asia.<sup>2</sup> Ranging across 13 Asian countries, the current estimated total population of wild Asian elephants is fewer than 50,000 individuals, of which approximately 60 per cent live in India. Primary threats to Asian elephants' survival include habitat loss and fragmentation, human-elephant conflict and the poaching and illegal trade of live elephants and their parts and derivatives.<sup>3</sup>

The illegal killing of African elephants (*Loxodonta africana* and *Loxodonta cyclotis*) has primarily been driven by the illegal trade in ivory.<sup>4</sup> In comparison, the illegal killing of Asian elephants has primarily been fuelled by human-elephant conflict and habitat fragmentation. Although the illegal trade in Asian elephant ivory is less extensive than the trade in African elephant ivory, since only male Asian elephants have tusks, it nonetheless still contributes to the killing of Asian elephants and to an imbalance in the sex ratio of populations, with implications for their further fragmentation.<sup>5</sup> In its most recent report to the 77th meeting of the CITES Standing Committee (SC77) in 2023, the IUCN Asian Elephant Specialist Group (AsESG) highlighted that poaching for skin and meat poses an ongoing threat to Asian elephants, including females and

calves since it does not discriminate on gender or age.<sup>6</sup>

The primary historic source of Asian elephants for the skin trade is recorded as Myanmar,<sup>7</sup> one of the few countries other than India with a population of more than 2,000 wild Asian elephants. Estimates have indicated a significant increase in elephants poached for their skin in the past decade, rising from four elephants poached in Myanmar for skin in 2010 to 61 in 2016.<sup>8</sup> According to its report to the third Asian Elephant Range State Meeting in 2022 (AsERSM), poaching for skin alongside tusks and meat was a threat to wild elephants in the country.<sup>9</sup>

Findings from reports by Elephant Family in 2018 and 2019 indicated that the availability of elephant skin products is prevalent for sale in both online and physical markets across Myanmar, Laos, China, Cambodia and Vietnam.<sup>10</sup> Elephant skin has been transformed into jewellery beads and powders destined for use in Traditional Chinese Medicine (TCM) for stomach and skin conditions. According to the reports, between 2014-18, the trade in Asian elephant skin appeared to have grown from small scale to wholesale commercial trade. In 2019, pills marketed as a combination of elephant skin and pangolin scales were discovered, demonstrating potential convergence with other forms of illegal wildlife trade.

Although no research has been published on the matter since August 2019, recent findings from EIA's online research in 2023-24 suggests that the illegal trade in elephant products, particularly dried elephant skin, is ongoing in the GMS. EIA has found elephant skin claimed to be sourced predominantly in Laos and Thailand openly advertised on social media platforms, often involving traders from Vietnam and China.

The illegal trade in live Asian elephants (hereafter referred to as "illegal live trade") has previously been documented as a threat to the survival of the species. The border provinces between Thailand and Myanmar have been cited as hotspots for the illegal live trade.<sup>11</sup> Thailand has been shown to be a main destination for illegally sourced elephants from Myanmar and young elephants seem especially prized above adults in both countries. The principal reason for trade in live elephants is believed to be for tourism, especially in zoos, trekking camps and "sanctuaries".<sup>12</sup>

Trade in live elephants has also been reported in other countries in Asia including Cambodia, Laos, India, Nepal and Sri Lanka.<sup>13</sup> Despite the adoption of several resolutions regarding trade in CITES Appendix I species bred in captivity, including elephants, trade has taken place in violation of the Convention. For example, wild-caught animals may be mis-declared as "captive-bred" for the purposes of facilitating trade; in 2017 the CITES Secretariat reported that the trade in live elephants from Laos to China did not meet the CITES criteria of "bred in captivity".<sup>14</sup> Illegal and legal trade flows may therefore overlap, with wild elephants being laundered into captive elephant facilities, potentially impacting their survival in the wild.<sup>15</sup>

The illegal live trade and illegal trade in parts and

derivatives has been acknowledged by multiple stakeholders, including the CITES Secretariat, IUCN AsESG, range countries, CITES Parties and civil society organisations as threats to the survival of the species. This is reflected in policy provisions such as CITES Decision 18.226 (Rev. CoP19) which encourages countries involved in trade to, *inter alia*:

*"...undertake, as necessary, investigations into the illegal trade in Asian elephants and their parts and derivatives, and endeavour to enforce, and where necessary improve, national laws concerning international trade in specimens of Asian elephants with the explicit intention of preventing illegal trade."*

This priority is mirrored in the Jakarta Declaration for Asian Elephant Conservation (2017) and its most recent iteration, the Kathmandu Declaration for Asian Elephant Conservation (2022). However, implementation of these provisions and the status of compliance and enforcement is unclear due to the lack of reporting by range countries and other implicated countries.



## Methodology

This review was conducted through desk-based research utilising publicly available information on Asian elephants.

The information collected spans from the early 2000s to the present, offering an overview of studies on the illegal trade of Asian elephants, including their parts and derivatives, over the past 20 years. The geographic focus covers six countries in the GMS including Cambodia, China, Laos, Myanmar and Vietnam, given the significant role of the countries as source, transit and consumer countries.

Sources include, but are not limited to, CITES documents, reports from Asian Elephant Range State Meetings, range country National Elephant Action Plans, reports by inter-governmental organisations such as IUCN and the UN Office on Drugs and Crime (UNODC), academic articles and reports and research papers by non-governmental

organisations (NGOs) and independent experts and media articles from environmental reporting agencies.

Additionally, the review also includes seizure data from EIA's Global Wildlife Crime Tracker.<sup>18</sup> EIA's Crime Tracker data is collected and compiled by EIA using publicly available information, including government reports, enforcement agency press releases and non-governmental and academic papers, along with news media in several languages.

The collection of the data used by the tool is reliant on its access by EIA staff and NGOs and is therefore not an exhaustive data set and likely represents only a fraction of actual activity.

**Right:** Elephant skin beads advertised for sale on social media platforms

## Drivers of trade in Asian elephants

East Asia and South-East Asia are major hubs and destinations for ivory contraband smuggled from Africa.

According to the UNODC 2020 World Wildlife Crime Report, between 2016-18, an annual average of 105 tonnes of elephant ivory was illegally sourced from African elephants, of which approximately 88 tonnes reached East Asia and South-East Asia.<sup>19</sup> This trend continued to occur in 2019, during which several large-scale seizures of ivory were recorded in China, Singapore and Vietnam.<sup>20</sup>

Though ivory seizures have declined since 2020 in part due to COVID-19 and potentially improved enforcement, ongoing shipments of ivory from Africa to South-East Asia have continued to occur.<sup>21</sup>

Throughout history, elephants have been revered as cultural and religious symbols across Asia. Ivory is carved into small statues, ornaments and jewellery as tokens of good luck. In countries such as China, Thailand and Vietnam, ivory is perceived to be a status symbol and is sought after as luxury gifts by the middle to upper income classes.<sup>22</sup> Some consumers also buy ivory for its high collection value.<sup>23</sup> In addition, ivory powder has been known to be prescribed by TCM practitioners for reasons as varied as intestinal diseases,<sup>24</sup> purging the body of toxins and enhancing the complexion.<sup>25</sup>

China remains the largest market for ivory, with Vietnam as a key conduit for illicit ivory entering China.<sup>26</sup> Despite the introduction of the domestic ivory ban in 2017, research has found that consumption by 'die-hard' ivory buyers has remained relatively unchanged, with consumers continuing to purchase ivory in China and when travelling abroad.<sup>27</sup> Top countries and regions from which Chinese customers buy ivory have been Hong Kong, Japan, Thailand, Cambodia, Laos and Vietnam.<sup>28</sup> While it is likely that the majority of the ivory consumed by Chinese customers comes from African elephants, ivory sold in Myanmar to Chinese customers has been found to be sourced from both Asian and African elephants.<sup>29</sup>

Apart from ivory, China is also a primary destination for other elephant parts, in particular skin.<sup>30</sup> The skin trade supplies a market for ornamental beads and TCM in which elephant skin powder is purported to have medicinal properties. Other Asian elephant parts including bone, tail and tail hair, molars, foot sole and



penis have been used for jewellery and/or medicinal purposes.<sup>31</sup> Elephant meat may also be consumed, while feet and trunks are known to be fashioned into furniture and decorative items.<sup>32</sup>

The trade in live Asian elephants has in the past supplied the tourism industry in Thailand and neighbouring countries.<sup>33</sup> Traditionally, captive Asian elephants have been used for logging or as transportation, although since the 1990s the species appears to be mainly used for leisure riding and performances at zoos, trekking camps and "sanctuaries".<sup>34</sup> A high demand for elephants for tourism purposes in Thailand has been linked to the illegal capture of wild elephants, the majority of which were sourced from Myanmar.<sup>35</sup>

Due to the economic impact of the COVID-19 pandemic, many captive elephants in more urbanised areas of Thailand have been relocated to villages with access to managed forests, where tourists can also visit them.<sup>36</sup> Although this relocation may provide an improved environment for the elephants, this new model has raised concerns regarding human-elephant conflict given the proximity to local communities and their crops.

**Above:** There has been a lack of publicly available data relating to illegal trade in Asian elephants



## Dynamics of illegal trade in Asian elephants

The dynamics of illegal live trade and their parts and derivatives are complex as they involve both wild and captive individuals. It is invariably difficult to determine the origin of elephants due to ineffective registration systems of captive animals. For instance, while the trade of ivory from captive elephants is legal in Thailand, there are no mechanisms in place to verify the true source of the ivory sold in physical markets.

The nature and extent of the illegal live trade and their parts and derivatives has been acknowledged by relevant stakeholders including CITES and range countries for two decades.<sup>37</sup> As recently as 2022, poaching and illegal trade in Asian elephants was raised as a major concern by all 13 range countries.<sup>38</sup> However, there have been limited comprehensive studies of the threat and its scale to inform enforcement and conservation measures. In terms of coverage of trade threats

facing elephants, both UNODC World Wildlife Crime reports in 2020 and 2024 only provided information regarding trade in African elephant ivory.

Similarly, the CITES agendas for both Conference of Parties and Standing Committee meetings have predominantly focused on trade matters relating to the African elephant species.

Historic information suggests that in the GMS, Myanmar has been a key source country while China and Thailand have been flagged as significant consumer countries. In addition, Laos remains a hub for manufacturing elephant products whereas Vietnamese and Chinese traders are active in the supply chain.

**Above:** Significant hubs for illegal trade in Asian elephant parts and derivatives in the GMS

## Live elephants

### Myanmar

Previous research indicates that illegal live trade of elephants from Myanmar has supplied the tourism industry in Thailand.<sup>39</sup> Approximately 50 wild elephant calves were smuggled from Myanmar to Thailand each year in the 1990s.<sup>40</sup> Previously, more adult elephants had been targeted for logging operations until Thailand introduced a ban on logging in 1990.<sup>41</sup>

The illegal trade of elephants for tourism purposes appeared to continue in the early 2000s. Research in 2008 found that an estimated 250 live Asian elephants (source unknown) had been smuggled from Myanmar to neighbouring countries in the previous decade, of which 240 were destined for Thailand.<sup>42</sup> It is worth noting that no trade reports were submitted by either Myanmar or Thailand to CITES regarding the import and export of these elephants.<sup>43</sup> This research additionally revealed that Malaysia and China were also recipient countries for elephants from Myanmar in the late 1990s and early 2000s, but no CITES permits were issued for such trade.

Further research in 2014 indicated that between April 2011 and March 2013, approximately 80 wild elephants had been illegally captured for sale in the tourism industry in Thailand, of which at least 60-64 elephants were believed to be sourced from Myanmar.<sup>44</sup> It is worth noting that these figures only represent instances of confirmed trade, meaning the actual level of trade may have been much higher. Furthermore, the data does not take into account elephants which may have been killed during the process of capture or which may have died subsequently.

Historically, primary areas reported for sourcing wild elephants in Myanmar include Kachin State, Rakhine State, Sagaing Division and the Dawna-Tenasserim landscape,<sup>45</sup> with Chiang Mai province, Phuket and Surin in Thailand considered key destinations for live elephants smuggled from Myanmar.<sup>46</sup>

In 2016, a review commissioned by the CITES Secretariat indicated that the illegal trade of live elephants was likely to be ongoing in Myanmar, with the Chinese province of Yunnan emerging as an increasingly popular destination for live elephants to satisfy tourism demands.<sup>47</sup> The border areas between Myanmar and China in Kachin State and the Laos side of the Golden Triangle area have been considered gateways for the influx of live elephants smuggled from Myanmar to China. It has also been reported that between 2011-15, eight elephants were confiscated near border areas between Thailand and China.<sup>48</sup>

In 2018, the Myanmar Elephant Conservation Action Plan 2018-2027 (MECAP) noted that illegal capture of wild elephants still occurred in Myanmar, as did the report by the CITES Secretariat to SC74 in 2022.<sup>49</sup>

As of 2023, it was noted that Myanmar's wild elephant population had further declined by more than 40 per cent since 2019.<sup>50</sup>

**Below:** Myanmar has been recognised as a source country for illegal trade in Asian elephants

**Below, right:** Illegal trade in live Asian elephants has been known to supply the tourism industry in Thailand





## Laos

Concerns regarding trade in live elephants from Laos were first brought to the attention of CITES Parties at the SC69 meeting in 2017.<sup>51</sup> It emerged that Laos had exported a total of 87 live Asian elephants to China between 2010 and 2018, despite Laos reporting the export of only 35.<sup>52</sup> China later confirmed that the animals had been sent “to parks and qualified breeding facilities”.<sup>53</sup>

However, owing to concerns by Parties and observer organisations regarding the source of these elephants, the Standing Committee requested the CITES Secretariat to conduct a technical mission to Laos and China to clarify the source of elephants and the purpose of these transactions.

As a result, at the SC77 meeting in 2023 it was determined that the exported elephants from Laos to China did not meet the definition of “bred in captivity” in accordance with Resolution Conf. 10.16 (Rev. CoP19) on *Specimens of animal species bred in captivity*.<sup>54</sup> In order to be traded as captive-bred elephants, the specimens would have had to have been born to captive-bred parents which mated in captivity. However, it is understood that the mating of elephants in Laos (as in certain other countries) occurs in the wild between wild males and captive females, at odds with the definition of “captive-bred”. For example, nearly 80 per cent of calves born in captivity in Laos during 2007-17 were from wild genitors from the Nam Poui National Protected Area.<sup>55</sup>

Even though this practice is considered traditional and is relatively commonplace in Laos, a recommendation was made at SC77 to suspend the trade in live Asian elephants from the country.<sup>56</sup> This raises serious concerns that live trade originating from Laos has been illegal and ongoing for an extended period.

This trade may have included 22 ‘captive-bred’ elephants exported from Laos to zoos in Kazakhstan and China between 2000-13, as well as 24 Laotian ‘captive-bred’ elephants sent on loan by Laos and Thailand to South Korea between 2000-08.<sup>57</sup>

In 2012, Laos loaned another six elephants to Japan but it was unclear whether the elephants were wild-caught according to the CITES definition or were born in captivity but had a wild male father.<sup>58</sup> A CITES exemption permits the loan of elephants to circuses and travelling exhibitions, provided the export is non-detrimental to the species.<sup>59</sup> However, the loans of Laotian elephants between 2000-12 may well have been detrimental to its wild population, given that none of these elephants seem to have been returned to Laos.<sup>60</sup>

Historically, Laos has often been described as “Lan Xang” (land of a million elephants) with an estimated 2,000-3,000 wild elephants in 1980s.<sup>61</sup> By 2023, this population had drastically declined by more than 86 per cent, with approximately 350 individuals remaining in the wild.<sup>62</sup>



**Above:** There have been concerns regarding the export of captive Asian elephants from Laos

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## Elephant ivory

Although the ivory traded in East and South-East Asia primarily comes from African elephants, Asian elephants are also targeted by poachers for the illegal ivory trade.

With wild Asian elephant populations numbering about 10 per cent of their African counterparts and facing a declining trend, even minimal poaching can significantly threaten the survival of this species in the wild. However, there is minimal

data relating to the consumption of Asian elephant ivory.

In the GMS, countries known to be implicated in the illegal trade in Asian ivory include Myanmar, Laos and Thailand.

**Above:** Only some male Asian elephants have tusks, and yet the species is also targeted for ivory trafficking



## Myanmar

In addition to live elephants, Myanmar also appears to have been a key source country for Asian elephant ivory.

A study in 2002 indicated that wild elephants were killed throughout Myanmar for ivory for sale in Mandalay and Yangon.<sup>63</sup> Large quantities of ivory have also been observed for sale in border towns such as Tachilek.<sup>64</sup> Although the presence of local demand was detected, the 2002 study found that the majority of raw and carved ivory was being sold to foreign buyers from Japan, Thailand, Taiwan, Italy, France and Germany. Interestingly, ivory has been found to be procured from both illegal and legal sources in Myanmar, including ivory from wild elephants that died of natural causes.<sup>65</sup>

In 2006, approximately 9,000 pieces of ivory and 16 whole tusks were found for sale at the border markets between Myanmar, Thailand and China.<sup>66</sup> During this time, it was reported that key buyers included Chinese, Thai and Japanese nationals, but it is noted that ivory was also sold to buyers from the US, Italy and France.<sup>67</sup>

In addition, between 2009-14, approximately 3,500 pieces of carved ivory and 49 tusks were found for sale openly in Mong La on the border with China, suggesting that this has been a significant hub for the illegal ivory trade in the region.<sup>68</sup> This ivory was believed to come from both wild Asian elephants in Myanmar and from African ivory imported through China.

As recently as 2020, a study on illegal wildlife trade at the Myanmar, Thailand and China border indicated that Tachilek and Mong La continued to be significant hotspots for ivory trade.<sup>69</sup> Between March 2015 and January 2020, more than 16,000 ivory items, mostly in the form of jewellery, were found for sale in Tachilek and

Mong La. However, it is unclear whether this ivory came from Asian or African elephants.

The same study reported that ivory was also found in luxury jewellery shops targeting Chinese tourists in Mong La. Approximately 80 per cent of residents in Mong La were Chinese and the local time followed the Beijing standard, suggesting that the trade primarily supplied the demand in China. The Chinese language and currency (Chinese yuan/renminbi) were also widely used in town. In comparison, most ivory displayed in jade shops in Tachilek was targeted at visitors from Thailand and transactions were made using Thai baht.

While it is still difficult to distinguish the origin of ivory at these markets, two cases of poaching for ivory were reported from the Ayeyarwady region in Myanmar in 2022.<sup>70</sup> This suggests that illegal ivory trade may continue to threaten Asian elephants in Myanmar.

## Laos

In Laos, the Golden Triangle Special Economic Zone (GTSEZ) has long been recognised as a significant hub for illegal wildlife trade destined for consumption by Chinese consumers.<sup>71</sup>

It has been reported that numerous ivory carvings, jewellery, tusks and ivory powder were sold in the GTSEZ's Chinatown and casinos between 2013-16.<sup>72</sup> In many cases, ivory sourced from both Asian and African elephants were imported to Laos from Thailand and Myanmar. Further research indicated that between 2017-19, ivory of an unknown source continued to be openly sold in the GTSEZ despite law enforcement efforts to close shops illegally selling wildlife.<sup>73</sup>

In 2017, a study highlighted Laos as the fastest growing ivory market in the world, with Chinese tourists involved in 80 per cent of sales.<sup>74</sup> Ivory was found openly for sale in Vientiane, Luang Prabang and other markets across the country. It is believed that the ivory seen for sale in Laos during this time was carved by either Vietnamese or Chinese carvers within Laos.<sup>75</sup>

Although the majority of ivory sold in Laos in the past decade has generally been found to be sourced from African elephants, the poaching of elephants for ivory has also occurred sporadically in Laos.<sup>76</sup>

Surveys in 2012 indicated that ivory sourced from Laotian elephants was sold domestically, targeting Chinese customers.<sup>77</sup> In addition, it is worth noting that trade in ivory taken from domesticated elephants is allowed in Laos<sup>78</sup> and concerns have been raised regarding the convergence of illegal and legal trade in elephants in the country, with wild elephants being laundered into captive facilities (see above section on Live elephants).

## Thailand

Like Laos, the majority of ivory entering the illegal market in Thailand appears to have been sourced from Africa. However, wild elephants in Thailand have also been poached for ivory in the past. For instance, between 1992-97, at least 24 male elephants were killed for their tusks.<sup>79</sup>

In addition, the illegal import of tusks sourced from elephant populations in Myanmar and Laos to Thailand has been observed.<sup>80</sup> Thai nationals have also been considered as prominent buyers for ivory sold at border towns in Myanmar.<sup>81</sup>

In Thailand, although trade in ivory sourced from wild elephants is prohibited by law, trade in ivory from captive Asian elephants is legal.<sup>82</sup> Despite being flagged as a loophole by the international community, the result has effectively been the creation of an avenue for the laundering of illegally sourced ivory from wild elephants into a 'legal' ivory supply chain.<sup>83</sup> A report by TRAFFIC indicated that in 2010, the amount of ivory available for sale in local markets was far greater than the amount of ivory domesticated elephants could produce at the time.<sup>84,85</sup>

The same report by TRAFFIC flagged an increasing availability of ivory for sale in Thailand in 2013. In December 2013, more than 14,500 ivory items were found for sale in 105 retail outlets in Bangkok, representing an approximate 40 per cent increase compared to the quantity of ivory found in surveys in March the same year.<sup>86</sup> Since then, the Thai domestic ivory market has continued to exist in both physical and online forms, although the scale is believed to be much smaller.<sup>87</sup>

To date, articles suggest that captive elephant owners in Thailand continue to sell tusks to manufacturers for carvings for the retail market.<sup>88</sup> It is worth noting that there is still no system in place to trace the origin of individual ivory items to determine whether the ivory sold by the manufacturers and retailers comes from a Thai captive elephant, a wild Asian elephant or a wild African elephant.

**Above:** Tachilek has previously been flagged as a hotspot for illegal trade in Asian elephant parts and derivatives

# Elephant parts and derivatives

In addition to ivory, various Asian elephant parts and derivatives have been found for sale at physical markets across range countries in the GMS. Between 2013 and 2019, trade in elephant skin increased, with Myanmar found to be a main source country and Chinese nationals found to be prominent consumers.<sup>89</sup>

## The skin trade

Asian elephant skins have been observed for sale since 2000.<sup>90</sup> However, studies indicate that significant quantities have been observed since 2013 – approximately the same time as skinned elephant carcasses were found in Myanmar.

According to market surveys conducted between 2013-14, approximately 1,240 pieces of elephant skin were found for sale at shops, hotels and the morning market in Mong La, Myanmar.<sup>91</sup> The majority were dried skin pieces while some were soaked in alcohol. Market surveys conducted between October 2014 and October 2015 in the same location found 700 pieces of elephant skin for sale in the market.<sup>92</sup> It was reported that these pieces were sourced from Asian elephants, although it remains unclear whether they came from wild or captive-bred animals.

Statistics from Myanmar's Forest Department reveal that between 2010-13, the poaching of wild elephants in Myanmar rose from four elephants to 26.<sup>93</sup> This rising trend continued in 2016 when 61 elephant carcasses were found in the wild.<sup>94</sup> Photographs show the elephants with strips of skin partially removed from their otherwise intact bodies indicating that the animals had been killed for their skins. Other estimates suggested that between 2016-17, one elephant was being killed every week for its skin.<sup>95</sup>

Field research conducted by the Elephant Family between 2016-18 continued to find several hundred pieces of elephant skin sold in Mong La, alongside powder purported to contain elephant skin.<sup>96</sup> In addition, these products were also seen for sale in Xishuangbanna, Yunnan province and Guangzhou, Guangdong province in China. According to information provided by traders to the researchers, the skin was sourced from wild and captive elephant populations in South-East Asia, in particular Myanmar and Laos. Elephant skin and related products were also found for sale online through WeChat and QQ forums during this period.

By 2019, the trade in Asian elephant skin had grown from small-scale to wholesale commercial trade.<sup>97</sup> The manufacture of elephant skin products was centred in Myanmar, Laos and China, with Myanmar continuing to be the primary source of unprocessed skin. In addition, elephant skin medicinal products were now also found in Cambodia, Laos and Vietnam, while the online trade had also expanded to Facebook.

In 2020, dried elephant skin was still found for sale at physical markets in Tachilek (Myanmar), but the scale of trade was not determined.<sup>98</sup> Since then, in part as a result of the COVID-19 pandemic and Myanmar's political and security situation, there has been limited research into the elephant skin trade in both online and physical markets.

Online research conducted by EIA in 2023-24 indicated that illegal trade in elephant products, including dried elephant skin and skin beads, continues to be prevalent in the GMS and involves traders from Vietnam and China. Considerable quantities of skin products are openly advertised on social media and e-commerce platforms such as WeChat and Facebook.

The skins identified in this research were claimed to be sourced predominantly from Laos and Thailand but it is unknown if they came from wild or captive elephants. For example, a trader told EIA they had access to 300 kg of elephant skin sourced "from Thailand".

Meanwhile, incidents of wild elephants being killed were also reported in the Nam Poui National Protected Area, Laos between May and June 2023.<sup>99</sup> While the exact number of elephants killed is unknown, there are only between 50-60 wild elephants in Nam Poui, meaning even a small loss could have detrimental impacts on the population.<sup>100</sup>

Below: Asian elephants have been killed for their skins which are used to make jewellery and medicinal products



© The Democratic Voice of Burma, 2016

## Reported trafficking incidents

As mentioned, there has been little systematic research into the trade of non-ivory Asian elephant parts and products since 2019.

The following data has been gathered by EIA from open-source research and provides a snapshot of publicly reported illegal trade incidents implicating the GMS from 2019 to August 2024. It is important to note that the data collected is likely to be incomplete as not all incidents have been made public and the actual level of illegal trade is therefore likely greater than presented below.

In addition, despite the acknowledged concerns of the threat posed to Asian elephants by illegal trade in their parts and derivatives, no trade volume other than that of ivory has been included in reports on the implementation of CITES Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens* to the latest CITES Conference of the Parties (CoP) and Standing Committee (SC) meetings.<sup>101</sup> These include reports from the Elephant Trade Information System (ETIS) and the Monitoring the Illegal Killing of Elephants (MIKE) Programme.

Meanwhile, only two countries from the GMS region (Thailand and Cambodia) submitted reports on the implementation of Decision 18.226 on Trade in Asian elephants (*Elephas maximus*) to SC74 in March 2022, though neither of the countries reported cases of illegal trade in Asian elephants or their parts and derivatives.<sup>102</sup>

Between 2019 and August 2024, EIA data shows 24 incidents involving non-ivory elephant parts were recorded involving six range countries in the GMS.

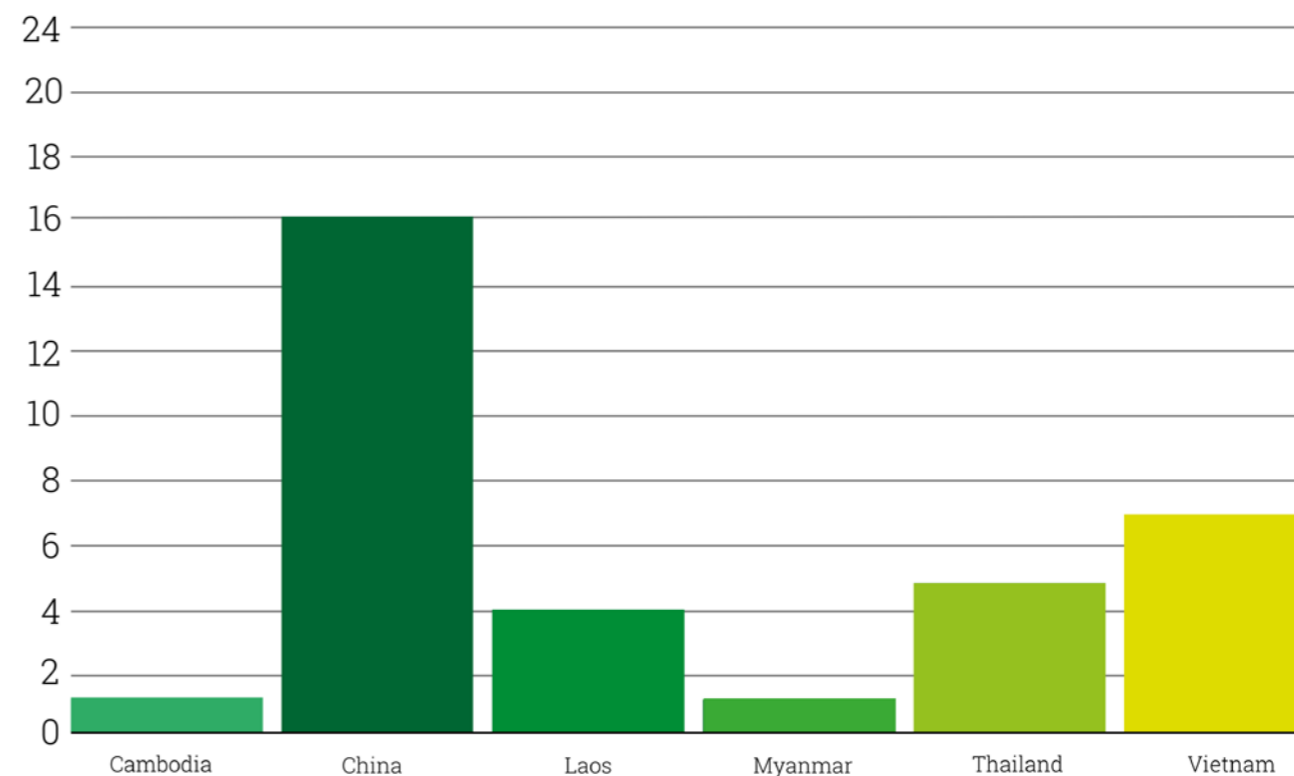
These include 19 detected cases in the GMS and five in other countries linked to the region.

Of these, 16 trafficking incidents have been linked to China, following illegal exports from Laos, Myanmar, Thailand and Vietnam. Eight of these involving elephant skins were recorded in China and Vietnam, totalling approximately 80kg. The skin was seized in the forms of dried pieces, leather and wallets.

In addition, there were eight incidents involving worked elephant bone in the form of jewellery such as necklaces, bracelets and decorative items. Other elephant parts seized include molars, teeth, tails and tail hair and meat. In 2021 alone, 30 elephant tails were seized in the Central Highlands, Vietnam, but it is unknown if they came from African or Asian elephants.

Although it has been reported that some elephant parts such as skin were sourced from Asian elephant populations, both African and Asian elephants are known to be targeted to varying degrees to supply the demand for non-ivory elephant parts and products. It is therefore difficult to determine with certainty the provenance of non-ivory products, without forensic analysis. For example, between 2019 and August 2024, three cases involving tail hair, bone and dried penis were recorded in Angola, Mozambique and Uganda linked to Vietnamese and Chinese nationals, suggesting provenance from African elephants. One seizure of more than 15kg of African elephant skin was also recorded in China in 2024.<sup>103</sup> There is also what is ostensibly a legal supply of African elephant skin feeding demand, with a reported 8,116 kg exported from Zimbabwe to China in 2022.<sup>104</sup>

Number of known non-ivory seizures in the GMS between 2019 and August 2024



# International efforts in conserving Asian elephants

## CITES

CITES is currently the only legally binding international convention regulating international trade in wildlife.

The Asian elephant has been listed under Appendix I of CITES since 1975, in recognition of the threat trade poses to the species' survival. As such, commercial international trade in live individuals, parts and derivatives of the species has been banned since 1975, with trade only permitted in exceptional circumstances, such as for non-commercial purposes including scientific research, for which an export permit from the country of origin and an import permit from the destination country are required.

CITES Resolution Conf. 10.10 (Res. Conf. 10.10) on *Trade in Elephant Specimens*, adopted by CITES Parties at CoP10, established the foundational agreement between Parties regarding the trade in elephants and sets out the responsibilities of Parties in terms of reporting on poaching and ivory trafficking dynamics and measures undertaken to tackle illegal activities. Interestingly, Asian elephants were only included in Res. Conf. 10.10 at CoP16 in 2012, when live trade in Asian elephants was formally recognised as a threat to the survival of the species in the wild.

The issue of illegal live trade in Asian elephants was first raised at SC62 in 2012. Based on reports of significant numbers of wild caught elephants smuggled from Myanmar to Thailand and China, and from India into Nepal, serious concerns were raised regarding the abuse of laws along the trade chain and potential conservation implications. At SC65, the Secretariat was directed to undertake a review of legislative, regulatory, enforcement and other measures and initiatives in place in Asian elephant range countries (or range States under CITES) to address or prevent the illegal live trade.

The review report presented to CoP17 in 2016 confirmed the illegal trade in live elephants was ongoing and highlighted the lack of effective monitoring at border areas as a key obstacle to addressing the threat. As a result, Decision 17.217 was adopted at CoP17, directed at Parties to *inter alia* investigate illegal trade in live Asian elephants.<sup>105</sup>

At SC70 in 2018, the Standing Committee formally recognised the emerging threat of illegal trade in Asian elephant skins and Decision 18.226 was adopted at CoP18 in 2019, replacing Decision 17.217 and now explicitly mandating Parties to investigate not only the illegal live trade, but also the illegal trade in Asian elephant parts and derivatives.<sup>106</sup>

At SC74 in 2022, the Standing Committee noted the low response rate to Decision 18.226 after only three of the 13 Asian elephant range countries (Cambodia, Thailand and Indonesia) along with the UK and New Zealand, submitted the required reports.<sup>107</sup> While New Zealand and the UK reported that only a few cases involving illegal trade in Asian elephants and their parts and derivatives had been detected, including illegal exports to China, no such cases were recorded by the three range countries. The range countries did however report on measures to strengthen the protection of Asian elephants through enhanced legislation and action plans as well as the establishment of specialised wildlife crime units.

Concerns were also raised at SC74 by the Secretariat, Parties and observers regarding non-compliant trade in live Asian elephants from Laos to China.<sup>108</sup> As a result, the Committee agreed "to suspend all trade in live Asian elephants from Laos until the country was able to demonstrate to the satisfaction of the Secretariat that specimens to be traded with source code C comply with the definition of captive-bred specimens set out in Resolution Conf. 10.16 on Specimens of animal species bred in captivity."



Above: Governments are called to implement relevant CITES Decisions and international frameworks to protect Asian elephants from illegal trade



In 2022, Parties at CoP19 continued to acknowledge the risk of illegal live trade and illegal trade in non-ivory parts and products by renewing the relevant Decisions.<sup>109</sup> The conservation and policy community were reminded that effective implementation of Decision 18.226 may significantly contribute to achieving the ambitions set out in the Jakarta Declaration, and Asian elephant range countries were therefore encouraged to continue to pursue the implementation of this Decision actively and vigilantly.<sup>110</sup>

At SC77, the rationale for adopting a recommendation to suspend all commercial trade in CITES-listed species with Laos included the unresolved problem of illegal live trade in Asian elephants. At the meeting, Laos was specifically reminded of Decision 18.226 and was directed to take substantive steps to implement it, in particular by "developing strategies to manage captive

Asian elephant populations by ensuring that trade is conducted in compliance with Article III for Asian elephants of wild origin and by strengthening its system for registration and marking of Asian elephants held in captivity in Lao PDR.<sup>111</sup>

Parties were issued in June 2024 with a Notification reminding them to report against Decision 18.226 (Rev. CoP19), with a deadline of 15 August 2024. The Secretariat will, as mandated by Decision 19.107, summarise findings from country reports for SC78, which is scheduled to take place in February 2025.

Above: The Asian elephant has been listed under Appendix I of CITES since 1975, banning commercial international trade in the species

## National Ivory Action Plan

Other CITES mechanisms including the National Ivory Action Plan (NIAP) process provide frameworks for affected countries to enhance resilience against poaching and illegal trade through specific legislative, regulatory and enforcement action.

Although several Asian elephant range countries have been or remain in the NIAP process,<sup>112</sup> historically the NIAPs have been used to counter illegal ivory trade originating from African elephants.

Both the quality of reports and the levels of reporting under the NIAP process have dwindled in recent years and at CoP19 a Decision was adopted to review the framework to ensure it remains fit for purpose.

The findings of this review will be presented to CoP20 in 2025. Nonetheless, the NIAP may present an avenue for affected countries to report on measures taken to address illegal trade in other elephant parts and derivatives too.

## Annual Illegal Trade Report

Parties to CITES are also mandated to submit Annual Illegal Trade Report (AITR) on "all seizures for violations involving CITES-listed species, irrespective of whether the seizure was made at an international border, or at domestic level for example during the search of a private or business property or during inspections at domestic markets."<sup>113</sup>

Unfortunately, reporting levels under the AITR process are inconsistent and reports are not made fully public.

As such, transparent analysis of ongoing illegal trade in Asian elephant parts and derivatives is not currently feasible using AITRs. In the GMS, between 2016-23, Thailand submitted AITRs annually while the remaining five range countries have reported irregularly, with Cambodia submitting only one report.<sup>114</sup>

Furthermore, although AITR reporting is mandatory, it is not enforced through compliance proceedings, meaning that failure to report or inconsistent reporting does not result in sanctions or other remedial actions to promote reporting.

## Monitoring Illegal Killing of Elephants

Countries in the GMS with registered sites under the Monitoring Illegal Killing of Elephants (MIKE) programme are required to submit information on illegal killings on a yearly basis.

The MIKE programme is "a site-based system designed to monitor trends in the illegal killing of elephants". Data from MIKE sites feed into the development of the Proportion of Illegally Killed Elephants measurement (PIKE) to establish and monitor poaching trends. However, reporting rates by governments have fluctuated over time, as highlighted at both CoP18 and CoP19, which suggests MIKE and PIKE data may present an incomplete overview of poaching dynamics.<sup>115</sup>

Reporting by countries in the Asian region has historically been weak. MIKE sites in the region are as follows:<sup>116</sup>

Countries	Timeframe	Locations	No. of elephant carcasses	No. of illegally killed elephants
Cambodia	2014-22	Cardamom Forest Protection Area <sup>117</sup>	0	0
	2013-22	Mondulkiri Protected Forest <sup>118</sup>	4	3
China	2011-22	Xishuangbanna Nature Reserve	17	3
Laos	2011-22	Nam Poui	16	11
	2011-22	Nakai Nam Theun	5	2
Myanmar	2012-20	Alaungdaw Kathapa National Park <sup>119</sup>	2	2
	2012-22	Shwe U Daung National Park <sup>120</sup>	8	5
Thailand	2011-22	Kui Buri National Park	17	6
	2013-22	Salakphra Wildlife Sanctuary <sup>121</sup>	17	3
Vietnam	2011-22	Cat Tien National Park	2	0
	2020-22	Yok Don National Park	3	0

Table 2: Reporting on illegal killing of elephants at MIKE sites in six range countries in the GMS between 2011-22

## Stockpiles

Under Resolution Conf. 10.10 (Rev. CoP19), Parties are urged to maintain an inventory of government-held ivory stockpiles and, where possible, private stockpiles and to submit regular annual reports to the CITES Secretariat.

However, reporting levels are low and fewer than 25 Parties (13 per cent) have made the required ivory stockpile submissions each year since 2014.<sup>122</sup> Parties in the NIAP process are also required to report on measures taken to monitor ivory stockpiles.

Furthermore, in the GMS, most countries do not have adequate systems for the inventory and management of confiscated ivory and other wildlife products.<sup>123</sup> This is concerning as the region, China and Vietnam in particular, is the primary destination for shipments of African ivory and products and derivatives of other endangered species, including Asian elephants.

Currently, CITES does not mandate Parties to report specifically on government-held stockpiles of non-ivory elephant parts and derivatives. This creates a gap in monitoring and evaluating the scale of illegal trade and the management of seized non-ivory products.

Additionally, there is limited availability of information on national carcass disposal processes, along with their implementation and enforcement, resulting in a lack of insight into potential leakage of elephant parts and derivatives, including from captive populations, onto the black market

## The Kathmandu and Jakarta declarations

In addition to CITES provisions, major regional priorities regarding Asian elephant conservation were enshrined in two declarations – the Jakarta Declaration (2017) and Kathmandu Declaration (2022).

These declarations represent a unified regional commitment to safeguarding the future of the Asian elephant, emphasising the need for cooperation, resource mobilisation and the integration of conservation efforts into broader environmental and developmental agendas.

The first Asian elephant range countries' meeting took place in January 2006, with the second taking place more than 10 years later in April 2017. It sought to leverage high level political commitment to engender collaboration among range countries with the explicit aim of setting the species on a path to recovery.

All range country governments signed the Jakarta Declaration for Asian Elephant Conservation<sup>124</sup> which enshrined, inter alia, the following conservation priorities:

- develop connectivity between Asian elephant conservation landscapes, ensuring that any development is appropriate and that transboundary cooperation for uninhibited movement is facilitated

- strengthen international collaboration, coordination and communication, with relevant stakeholders as appropriate
- reduce human-elephant conflict through its mitigation and by addressing its root causes, building community participation and incentives for conservation and poaching prevention
- ensure effective enforcement of national laws and regulations to prevent illegal killing and trade in live Asian elephants and their parts
- develop registration programmes for captive populations and ensure cross-border movements are compliant with national and international laws and regulations
- develop and implement national Action Plans and a range-wide Plan.

The third meeting of the Asian elephant range countries took place in April 2022 in Kathmandu, Nepal with an agenda to (i) gather updated information on Asian elephant populations in the range countries, (ii) assess the efforts and progress made by the range countries against the commitments set in the previous meetings, (iii) discuss the challenges and issues of Asian elephant conservation through interactive sessions and (iv) develop a common consensus for more synchronised and collaborative efforts to conserve Asian elephants across their range.<sup>125</sup>

Building on the broad foundation set out in the Jakarta Declaration of 2017, this meeting ended with the adoption of the Kathmandu Declaration, with, inter alia, the following agreed priorities:

- enhancing international cooperation
- promoting human-elephant coexistence
- ensuring effective law enforcement
- promoting the welfare of captive elephants
- strengthening partnerships at national and international levels
- implementation of National Asian Elephant Conservation Plans.

It is worth noting that several of these priorities mirror the findings of the IUCN review of illegal trade in Asian elephants and the CITES Decisions upon which they are based (see section above on CITES).

## National legislation and policy concerning trade in Asian elephants

While this section is not intended to be an exhaustive legislative review, it provides a snapshot of relevant legislation regulating trade in live Asian elephants and their parts and derivatives in six range countries in the GMS.

The information is mostly taken from the review on Illegal Trade in Asian Live Elephants in all 13 Asian range countries conducted by the IUCN in 2016. This is understood to be the broadest review on the trade in live Asian elephants to date, covering both wild and captive populations.

This literature review also references recent legislative analysis by independent researchers and intergovernmental and non-governmental organisations and assesses relevant wildlife legislative documents in six range countries in the GMS and their NIAP progress reports to the CITES Secretariat to provide further

information regarding loopholes in trade in Asian elephants and their parts and products.

According to the 2016 IUCN review, the majority of range countries in Asia have granted both wild and captive elephants the "highest level of protection" under their respective wildlife legislation, save for Thailand which makes a distinction between wild and captive elephants with differing levels of protection.<sup>126</sup>

It was noted by the IUCN that legislation controlling trade in wild Asian elephants is thought to be adequate while major gaps remain in managing trade in captive elephants.



## CAMBODIA

According to Prakas No. 020 issued on 25 January 2007, Asian elephants are listed in the Group of Endangered Species in Cambodia. In 2018, African elephants were also included in this Group alongside four species of rhinoceros.

This means that under the Forestry Law (2002), trade violations including possessing, processing, transporting or importing these species or specimens can be punishable by up to five years in prison and fines up to 100 million riel (~\$19,000).<sup>127</sup> Despite the improvement, according to the UNODC's assessment, the response to wildlife crime in Cambodia remains challenging due to the lack of enhanced investigation techniques such as financial investigations and controlled deliveries.<sup>128</sup>

Cambodia's Asian Elephant Conservation Action Plan has been developed for the period between 2020-29<sup>129</sup> with a vision to crack down on domestic illegal wildlife markets through improved law enforcement response, studies into transboundary populations and movements between Vietnam, Laos and Thailand and the development of human-elephant conflict mitigation and management plans.

According to Cambodia's report to CITES SC77 in 2023, there is currently no registration and marking system in place for captive elephants in Cambodia, although dialogue is ongoing with owners and operators.<sup>130</sup>

## CHINA

In China, the Asian elephant is deemed a Category One Species under Special State Protection.

Under the Wildlife Protection Law (2022), the sale, purchase, and utilisation of Species under Special State Protection is prohibited, although Article 28 allows the exemption of these activities for scientific research, captive breeding, public exhibition, protection of cultural relics or other special circumstances with the requirement of special permits.<sup>131</sup>

The exemption presents a loophole that can allow even species granted the highest level of protection, including elephants, to be utilised for commercial purposes such as traditional medicines. These exemptions also apply to the import and export of CITES listed species.<sup>132</sup>

The Penal Code (1997) stipulates that the smuggling of precious animals<sup>133</sup> and their products is punishable with imprisonment of a minimum of five years up to a maximum of 10 years and fines; for severe violations, the punishment is imprisonment of a minimum of 10 years up to a maximum of life imprisonment and confiscation of assets. For light violations, the punishment is imprisonment under five years and fines.<sup>134</sup>

The illegal purchase, transport and sale of species under Special State Protection and their products is liable for imprisonment or detention of under five years and fines; for severe violations, the punishment is imprisonment of a minimum of five years to a maximum of 10 years and fines; for especially severe violations, the punishment is a fixed-term imprisonment of 10 years minimum and fines or confiscation of assets.

Currently, elephant skin powder is a TCM ingredient which is recognised and used in certain regions of China, mainly Guangxi and Yunnan. It is not included in the Chinese Pharmacopeia but in the TCM ingredient standards of Beijing (1974), Fujian (1988), Gansu (1980), Guangdong (1984), Guangxi(2007), Guizhou (1986), Henan (2005), Hunan (2010), Jiangsu (1980), Jiangxi (1991), Jilin (1986), Liaoning (1986), Shandong (2012), Shanghai (2018), Sichuan (1977), Zhejiang (2005).<sup>135</sup> This means that there is legal use of elephant skin powder in these cities and provinces.

In terms of live elephants, according to a review by IUCN in 2016, there has been a high demand for elephants in China due to a large number of entertainment facilities.<sup>136</sup> As of 2016, there were approximately 200 captive elephants at 47 registered zoos across 26 provinces in China. These captive elephants are implanted microchips for monitoring and providing health service.

## LAOS

Under the latest revised Wildlife Law (2023), the wild Asian elephant is classified as a List I species which is defined as rare, threatened and facing risk of extinction.<sup>137</sup>

Trade in List I species is prohibited under Article 18 of the new Wildlife Law. African elephants are also offered certain protections under national laws in Laos.<sup>138</sup> Accordingly, under the Penal Code (2017) violations against trade in Asian elephants and their parts and derivatives can be punished by up to five years in prison and a fine of 10 million kip (~\$453).<sup>139</sup>

However, the lack of consistent enforcement of the Penal Code for illegal wildlife trade in List I species in recent years has resulted in an uneven application of justice and has confused deterrence and disruption of illegal wildlife trade. The rationale for imposing a trade suspension on Laos at CITES SC77 included the Government's failure to adequately investigate and prosecute illegal wildlife trade cases, as well as gaps in legislation and enforcement.<sup>140</sup>

Furthermore, despite Government efforts to improve the legislation, the new Wildlife Law still contains a number of unclear provisions which may hamper effective protection against illegal trade threats. These include the vague interpretation of the concept of "wildlife development" which may allow breeding of wildlife, including highly protected species such as elephants, for commercial purposes as stated in Articles 38 and 39.

In practice, activities which are essentially commercial in nature may therefore be passed off as conservation-oriented. In addition, although possession of List I species requires registration (as per Article 15), the absence of a procedure and conditions to limit such registration to legally acquired specimens presents a loophole and risk for wildlife laundering.

Private ownership of elephants is authorised in Laos, as is breeding.<sup>141</sup> The Laotian Government has been requested under CITES to develop strategies to manage its captive elephant population, which numbers approximately 400 elephants.<sup>142</sup>

In addition, ivory from domesticated elephants can be traded, allowing the opportunity for illegal ivory to be laundered through the legal system.<sup>143</sup>

## MYANMAR

There are an estimated 2,000 wild Asian elephants living in Myanmar and an estimated 5,000 captive elephants.

Under the Conservation of Biodiversity and Protected Areas Law (2018), wild Asian elephants are classified as "completely protected wildlife". Under this law, trade offences including killing, possessing, selling or transporting Asian elephants and their parts and derivatives may result in up to 10 years in prison.

In terms of captive elephants, as of March 2022, an estimated 4,444 out of 5,000 individuals have been registered.<sup>144</sup> All elephants above five years old are required to be registered with Forest Department and the Myanmar Timber Enterprise and the process is renewed every three years. The registration system includes information of each elephant, external features and photos. In some states such as Kachin, elephants have been microchipped for monitoring.

A review by IUCN 2016 noted a lack of clarity in differentiating between "captive" (wild-caught) and "domesticated" (captive-born) elephants in Myanmar.<sup>145</sup> This may allow the laundering of wild-caught elephants into the domesticated populations.

In addition, trade in elephant tusk tips and tusks from Government and privately owned captive elephants that have died of natural causes is legal.<sup>146</sup> This suggests another loophole exists to enable traders to launder illegally sourced ivory in Myanmar.

As an implementor of the Jakarta Declaration, Myanmar has developed its Elephant Conservation Action Plan (MECAP) for the period between 2018-27 with a vision to protect wild elephants and habitats, mitigate human-elephant conflict, improve management of captive elephants and tackle illegal trade in elephants and their parts and derivatives through strengthening law enforcement measures.



## THAILAND

Thailand has a complex legal framework regulating trade in elephants.<sup>147</sup> There are currently seven legislative Acts covering three groups of elephants – captive Asian elephants, wild Asian elephants and wild African elephants. Four different Ministries are involved in the registration, management and welfare of elephants in Thailand, which has previously been flagged as a potential logistical burden dependent on effective inter-departmental cooperation.<sup>148</sup>

In Thailand, wild Asian elephants are protected under the Wild Animal Reservation and Protection Act (WARPA 2019). Under WARPA, the species is categorised as a “protected wild animal” and trade violations (purchasing, selling, exchanging, distributing, supplying, giving or transferring ownership for the purpose of trade), import and export of wild Asian elephants and products thereof, including ivory, are punishable by up to 10 years’ imprisonment or fines of one million baht (~\$28,000) or both. This also applies to offences involving wild African elephants since the species was added to the protected list in 2015.<sup>149</sup>

Interestingly, given the historical use of elephants for logging and other traditional uses, the WARPA does not apply to domesticated elephants, which are instead categorised as livestock and included under the Draught Animal Act (1939). This Act mandates owners of captive elephants to register the animals, but only from the age of eight, which created a major loophole permitting wild juvenile elephants to be laundered into the domestic trade. Failure to register live captive elephants may result in up to 10 days’ imprisonment or fines up to 100 baht (~\$2.80) or both. This has been flagged as insufficient to prevent illegal activities.<sup>150</sup>

In an effort to address this loophole and aid enforcement, Thailand developed a DNA database for captive elephants in 2017.<sup>151</sup> All captive elephants are now required to be registered within 90 days of birth using the DNA registration system.<sup>152</sup> However, though it is understood that the majority of captive elephants in Thailand have been registered, the extent to which the DNA registration system has been used to prevent and detect illegal trade is yet to be determined.

Ivory harvested from registered domesticated Asian elephants (under the Draught Animals Act) can be traded legally in Thailand subject to first being registered as legally acquired under the Elephant Ivory Act (2015). The illegal trade, export, import or transit of registered ivory is punishable by up to three years’ imprisonment or fines up to six million baht (~\$170,000) or both. Furthermore, illegal possession of captive Asian elephant ivory is punishable by fines up to three million baht (~\$85,000).

Import and exports of elephants are also regulated under the Customs Act (2017) and the Import and Export of Goods Act in Thailand (2015), the latter covering only Asian species.

The Animal Epidemic Act (2015) regulates the illegal trade in captive live Asian elephants with up to one year imprisonment or fines up to 20,000 baht (~\$566) or both. This Act covers wild Asian and African elephants.

## VIETNAM

With approximately 120 elephants, Vietnam hosts the smallest number of wild Asian elephants of all the 13 range states.

Vietnam’s elephant population has decreased by more than 90 per cent since the 1980s.<sup>153</sup> Wild elephants are listed in the Group IB as rare and endangered species. Under Article 244 of the Penal Code (2017), illegal trade in both Asian and African elephants is punishable by up to 15 years’ imprisonment and fines up to two billion dong (~\$79,000) for individuals and fines up to 15 billion dong (~\$595,000) for companies.

However, this provision does not apply to the illegal trade in other elephant products such as tail hair as these are not considered to be “vital body parts”.<sup>154</sup> In addition, violations involving less than 2kg of ivory are not prosecuted but instead dealt with through administrative fines only. This excludes much of the ivory on the domestic market and represents a significant weakness in the legislation.<sup>155</sup>

In Vietnam, captive elephants are considered as domesticated elephants which are primarily used in tourism in the Central Highlands. There is currently no protocol for managing privately owned captive elephants in the country.<sup>156</sup> Although a registration system is in place for captive elephants and is managed by the Ministry of Agriculture and Rural Development, microchipping and DNA for monitoring is not used as the captive population is deemed to be relatively low with fewer than 100 individuals.<sup>157</sup> There have been no records of breeding of elephants in captivity in Vietnam in at least a decade.<sup>158</sup>



## Enforcement status

For the most part, relevant legislation to protect Asian elephants exists across the range countries in the GMS, and indeed in some instances offers strong protection to the species, but the enforcement of these provisions varies considerably across the region.<sup>159</sup>

Stakeholders, including the CITES Secretariat, CITES Parties, range countries, CSOs and academics, suggest the factors hindering effective enforcement are as follows:

- **Lack of tangible evidence to draw attention from law enforcement agencies**

The illegal live trade is not always perceived as a conservation threat nor as an enforcement priority by law enforcement, especially given some of the legal loopholes described in the section above and challenges in monitoring the issue.

Additionally, the relatively infrequent but still ongoing occurrence of this trade has likely contributed to the lack

of attention from law enforcement.<sup>160</sup> Even low levels of trade represent a conservation risk for the species given their dwindling numbers in the wild.

Furthermore, recorded incidents and volumes of trade in Asian elephant parts and products are much lower in comparison to African populations. For example, in 2019 at least 45 tonnes of ivory were seized globally, of which approximately 98 per cent was sourced from Africa.<sup>161</sup> Seizure data involving elephant skins and other parts and derivatives is limited due to a lack of reporting on the illegal trade in Asian elephants from range countries to CITES and due to the nature of the trade with much of it happening online or with products undergoing significant processing or transformation, which complicates detection and enforcement.

- **Outdated and ineffective registration systems**

Effective registration systems are imperative to address

the complex dynamics of trade in Asian elephants, especially considering the overlap between wild and captive populations, states, institutional and personal ownership and the variety of uses of elephants and their parts and derivatives in both legal and illegal markets. Registration systems and robust databases would enable verification of the origin of elephants, their parts and derivatives, the provenance of and relationship between adults and calves, and would prevent wild elephants from being laundered into captive facilities.

Ineffective and disparate systems, including microchipping or photographic systems and local databases, do not provide a sufficient level of accountability and traceability, which complicates enforcement, especially in instances of transboundary trade.

Given the proximity of several Asian elephant range countries, a DNA-based system, supported by a linked regional database, is arguably the only measure that will adequately prevent illegal trade and enable effective monitoring and enforcement.

Across the 13 range countries, only India and Thailand have initiated DNA-based systems to profile captive elephants.<sup>162</sup> No regional or sub-regional Asian elephant DNA database currently exists.

In 2019, the Association of Zoos and Aquariums (AZA) launched the Saving Animals From Extinction (SAFE) Asian Elephant Programme, which aims to assist and enhance the elephant conservation efforts in the 13 range countries.<sup>163</sup>

As part of the programme, AZA has been supporting Indonesia to develop the DNA-based system and it is expected to be completed by 2025. This pilot registry program might be replicated in other range countries such as Myanmar and Cambodia if there is available funding.

- **Lack of effective investigation and regional cooperation**

It has been noted that the illegal trade in Asian elephants and their parts and derivatives is regulated in some range countries in the GMS by multiple legislative instruments with multiple national agencies responsible for enforcing laws. For example, Thailand has seven national Acts relating to elephants, while there are at least eight law enforcement agencies involved in tackling illegal trade in elephants in Vietnam.<sup>164</sup> This may complicate investigations and prosecutions.

Furthermore, UNODC reports indicate that law enforcement agencies are still not effectively tackling the transnational organised nature of the illegal wildlife trade through the use of advanced investigative techniques such as forensics, financial investigation and controlled deliveries.<sup>165</sup>

**Above:** Ineffective investigation and limited cooperation hinder effective enforcement responses to illegal trade in Asian elephants



There also appears to have been limited regional and bilateral law enforcement cooperation between range countries, despite existing mechanisms provided by INTERPOL, the World Customs Organization (WCO) and the ASEAN Wildlife Enforcement Network (WEN).<sup>166</sup> For example, reports have indicated that stronger cooperation between Myanmar and neighbouring countries such as China and Thailand is necessary to enforce environmental regulations, including those mandated by CITES.<sup>167</sup>

- **Ineffective anti-corruption measures**

Corruption plays a significant role in hindering efforts to tackle illegal wildlife trade worldwide.<sup>168</sup>

Across Asian elephant range countries, corruption usually operates through a system of bribery to law enforcement officials and is exploited by traders to enable trafficking.<sup>169</sup> For example, corruption has been reported as a key enabling factor in the live elephant trade from Myanmar to Thailand<sup>170</sup> as well as the illegal trade in elephant parts and derivatives at the GTSEZ, situated in Laos close to the borders of Thailand, Myanmar and China.<sup>171</sup>

In 2023, the Corruption Perception Index scores of all six range countries in the GMS were on the decline and below the global average of 43, indicating increasing levels of corruption.<sup>172</sup>

While corruption is known to facilitate wildlife trafficking and undermine enforcement efforts, wildlife crime cases are seldom prosecuted as corruption offences.<sup>173</sup>

The implementation of anti-corruption measures is vital in tackling wildlife crime, as indicated in CITES Resolution Conf. 11.3 (Rev. CoP19) on *Compliance and Enforcement* and explicitly called for in CITES Resolution 17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*.

**Above:** It is vital to improve registration systems of captive elephants to prevent wild elephants from being laundered into captive facilities



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