

ONGOING TRADE IN ILLEGALLY-SOURCED TORTOISES AND FRESHWATER TURTLES HIGHLIGHTS THE NEED FOR LEGAL REFORM IN THAILAND

Vincent Nijman¹ and Chris R. Shepherd^{1}*

ABSTRACT

Loopholes in Thailand's CITES-implementing legislation, the Wild Animal Reservation and Protection Act (WARPA), continue to enable trade in illegally-sourced tortoises and freshwater turtles, and other wildlife, smuggled into the country and sold openly in markets such as the Chatuchak Weekend Market. As such, Thailand remains a major global hub for the trade in highly threatened wildlife. Legal reform is essential to make it illegal to buy, sell or keep any CITES-listed species without permission.

Keywords: Chatuchak Weekend Market, CITES, IUCN Red List, legislation, pet trade, wildlife trade

The Chatuchak Weekend Market (aka Jatujak Market) is one of the world's largest weekend markets covering an area of ~10 hectares (FANG, 1988). Sources differ on the number of stalls or shops that are present in the 27 sections of the market, with lows of 8,000 and highs of 18,000 (ANONYMOUS, 2015; FANG, 1988). It is estimated that approximately 200,000 visitors attend the market each weekend. Included in the vast array of goods for sale are live animals, offered for sale as pets.

Over the last ten years we have visited this market on 12 occasions, observing the wildlife openly offered for sale (NIJMAN & SHEPHERD, 2007; SHEPHERD & NIJMAN, 2007). With tortoises and freshwater turtles facing a true conservation crisis in Asia (CHEUNG & DUDGEON, 2006; GONGA *ET AL.*, 2009; VAN DIJK & PALASUWAN, 2000; HORNE *ET AL.*, 2012; RHODIN *ET AL.*, 2011) the open trade in these species in Chatuchak has been of great concern to us. We analyzed the data on live tortoises and freshwater turtles observed in the market between November 2004 and December 2013 based on systematic surveys using a standardized methodology ensuring independence of data and avoiding double-counting (NIJMAN & SHEPHERD, 2014; SHEPHERD & NIJMAN, 2007). The trade in live tortoises and freshwater turtles in Chatuchak by and large, is conducted openly and we encountered very few problems collecting the relevant data. We documented a total of 2,667 individual tortoises and freshwater turtles, representing 55 species, in trade (NIJMAN & SHEPHERD, 2014). We excluded the Red-eared Slider *Trachemys scripta elegans* and Chinese Softshell Turtle *Pelodiscus sinensis* as they are captive-bred in large numbers for the global pet trade and meat trade. The vast majority of the tortoises and freshwater turtles we recorded in Chatuchak were derived from the wild. More worrying, close to half were globally threatened species, many banned from international trade and almost all were species not native to Thailand (only 3% of those observed were species known to occur

¹ Oxford Brookes University, Oxford, UK and TRAFFIC Southeast Asia, Petaling Jaya, Malaysia

* Corresponding author E-mail: chris.shepherd@traffic.org

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in the country that might therefore have originated in Thailand). Globally threatened species were recorded during every visit. Most species observed originated from Africa, including Madagascar, the Indian sub-continent through to Indochina, and the Indian Ocean islands. The most commonly recorded were the Indian Star Tortoise *Geochelone elegans* (653 individuals observed during 12 surveys)(Fig. 1), African Spurred Tortoise *Centrochelys sulcata* (536 individuals) and Radiated Tortoise *Astrochelys radiata* (320 individuals). African Spurred Tortoise is assessed as Vulnerable on the IUCN Red List, and Radiated Tortoise as Critically Endangered (TFTSG, 1996; LEUTERITZ & RIOUX PAQUETTE, 2008). The importation of many of these species is, at least on paper, highly regulated or banned as part of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to which Thailand acceded in 1983. The Radiated Tortoise, for example, is listed in Appendix I of CITES, which means that no international trade for commercial purposes is permitted, yet this was among the most frequently observed species openly displayed for sale. Non-native CITES Appendix I-listed species were observed in 11 of the 12 surveys.

The reason we have observed such large numbers of threatened and illegal tortoises and freshwater turtles in trade in Thailand during this ten year period is partly because of rise of the middle class, with more disposable income, who are willing to spend significant amounts of money on keeping rare, expensive and exotic pets. Perhaps more importantly, the trade is enabled due to clear deficiencies in Thailand's primary wildlife legislation, the Wild Animal Reservation and Protection Act (WARPA). This Act protects only native species of tortoises and freshwater turtles, creating a loophole that facilitates the ongoing illegal trade in non-native species (NIJMAN & SHEPHERD, 2010, 2011; SHEPHERD & NIJMAN, 2007; CHNG, 2014). Thus the sale of non-native species in the domestic market is not adequately covered under WARPA: once inside the country, the enforcement agencies must prove that the animals in question were illegally exported or imported, and this deters them from taking effective action. As a result Thailand is, and has been for many years, a major hub for the global illegal trade in tortoises and freshwater turtles and a wide variety of other non-native fauna (TODD, 2011; VAN DIJK & PALASUWAN, 2000; CHNG, 2014).

This same legal loophole has already been underscored in the context of other illegal wildlife trade in Thailand. DOAK (2014) highlighted the same legislative weakness in her report on the ongoing trade of ivory from African Elephants *Loxodonta africana* and noted that ongoing failure to plug these loopholes and increase enforcement efforts could cost Thailand economically as CITES carries the threat of trade suspensions against countries that do not comply with treaty requirements. Subsequently in January 2015, Thailand submitted its first Progress Report on the implementation of the revised Thai National Ivory Action Plan to the CITES Secretariat, in which it intended to amend certain provisions under WARPA, including the issuance of a new regulation listing the African Elephant as a protected species. It furthermore enacted several acts and subordinate laws to control the trade and ownership of ivory, and implemented an improved ivory registration system.

Thailand, as a signatory to CITES, is obliged to regulate international trade in CITES-listed species through the implementation of national laws that support CITES provisions. With specific regard to tortoises and freshwater turtles, the Eleventh meeting of the Conference of the Parties of CITES called upon all Parties, especially range states and states exporting and importing Asian tortoises and freshwater turtles, to enhance and increase enforcement efforts with regard to existing legislation as a matter of urgency (Conf. 11.9, Rev. CoP13, Conservation of and trade in tortoises and freshwater turtles). Our monitoring of the trade in



Figure 1. Indian Star Tortoises *Geochelone elegans*, such as these may only be confiscated upon arrival to or exit from the country. Current legislation does not enable enforcement officials to confiscate non-native species once inside the country. Photo: The Turtle Conservancy.

these species, however, has repeatedly demonstrated that Thailand is failing to comply with its treaty obligations, despite calls for these loopholes in the relevant legislation to be addressed (see also CHNG 2014 who focused on institutional and legislative deficiencies with respect to the seizures of tortoises and freshwater turtles in Thailand). The above mentioned positive steps taken to curb the trade in ivory suggest that when the political will exists significant improvements can be made.

Irrespective of the actions taken in source countries, Thailand must recognise the global impact of weaknesses in its domestic legislation and the resulting loopholes which are heavily exploited by unscrupulous wildlife traffickers and traders. We strongly urge the Thai authorities to take the necessary measures to reform and enact national legislation that effectively implements the country's commitments under CITES, and to make it illegal to buy, sell or keep any CITES-listed species without permission, and to ensure that the burden of proof of legal importation is on those holding the specimens, not on the officials. We also urge the authorities to take strong and immediate action against the illegal trade in tortoises and freshwater turtles.

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