

**PET FRESHWATER TURTLE
AND TORTOISE TRADE IN
CHATUCHAK MARKET,
BANGKOK, THAILAND**

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A TRAFFIC SOUTHEAST ASIA REPORT



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the wildlife trade monitoring network

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Cover: Radiated Tortoises *Astrochelys radiata* were the most numerous species of tortoise observed during this study

Photograph credit: Chris R. Shepherd/TRAFFIC Southeast Asia

PET FRESHWATER TURTLE AND TORTOISE TRADE IN CHATUCHAK MARKET, BANGKOK, THAILAND

Chris R. Shepherd and Vincent Nijman



Chris R. Shepherd/TRAFFIC Southeast Asia

Indian Star Tortoises *Geochelone elegans* are very popular due to their beautiful carapace pattern

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EXECUTIVE SUMMARY

The Chatuchak or Weekend Market in Bangkok is an important hub for the sale of freshwater turtles and tortoises, many of which are prohibited from trade. Buyers from other parts of Asia, especially individuals from Japan, Malaysia and Singapore, are known to purchase large numbers of turtles from the dealers in Chatuchak Market for retail in their respective countries. The majority of the species observed during surveys carried out in 2006 and 2007 were exotic (i.e. not native to Thailand). Much of the importing and exporting of freshwater turtles and tortoises to and from the Chatuchak Market is believed to be conducted illegally in contravention of CITES-related laws.

During this study, which was carried out over three days, a total of 786 specimens were observed in retail outlets, representing 27 species, 25 of which are not native to Thailand. A total of 285 specimens of five species listed in Appendix I of CITES were observed. The fact that these species were openly available in the market, and that the dealers openly stated that the specimens were smuggled into Thailand, and are regularly smuggled out, highlights a severe challenge to effective enforcement under existing Thai law. Dealers were observed describing to potential buyers techniques used to smuggle non-native animals in and out of Thailand in step-by-step detail. Furthermore, dealers in the Chatuchak Market carried out the trade in illegally-sourced species openly and with little regard for any regulation, which highlights gaps in market monitoring and enforcement by Thai authorities. The main inhibiting factor impeding enforcement of CITES, is the loopholes in the current national legislation, and until these are amended, Thailand will continue to be a hub for smuggling of CITES-listed species.

Based on the findings of this study, TRAFFIC makes the following recommendations:

1. The Wild Animal Reservation and Protection Act 1992 (WARPA) needs to be amended to address current loopholes that prevent authorities from taking action against the illegal trade of non-native species of freshwater turtles and tortoises. In particular, Section 23 of WARPA should include “possession” in its provision for CITES listed species and for the burden of proof to be on the buyer, rather than the enforcement agency. Due to these and other gaps in legislative coverage, the CITES Secretariat should consider a reassessment of Thailand’s legislation under the National CITES Legislation Project and encourage Thailand to amend legislation as soon as possible.
2. Authorities (Customs, Immigration, Quarantine and Security - CIQS) in the airports and other points of international entry and exit must be more vigilant to prevent such quantities of species from being traded in Thailand. These authorities should ensure that their staff are regularly trained in CITES implementation and in other relevant fields, such as species identification and profiling and targeting of potential smugglers in order to continue to improve Thailand’s detection of illegal cargoes of wild animals and plants.
3. Regular monitoring by Thai enforcement agencies and NGOs of the markets in Thailand should be carried out to gauge the scale of trade and identify trends in species composition, countries of origin, and any end-market destinations beyond Thailand.
4. Offenders that are found importing and exporting species of freshwater turtles and tortoises should be prosecuted to the full extent of the law, to serve as a deterrent. Current fines and penalties are too low to serve as an effective deterrent and should therefore be increased.

5. Thailand is presently the lead country for the ASEAN Wildlife Enforcement Network (ASEAN-WEN). It has established an inter-agency national task force, with successful seizures conducted at various border points and cities in Thailand for CITES-listed species. This could be replicated at local levels for more interagency efforts to be conducted country-wide. However, enforcement will be limited if the current WARPA is not amended which would enable officers to monitor and take action against the illegal traders.



James Compton/TRAFFIC

A variety of tortoises for sale in Chatuchak Market

INTRODUCTION

Freshwater turtles and tortoises around the world are found in trade for a variety of purposes, being used as meat, ingredients in traditional medicines and as pets. Illegal and unsustainable trade has resulted in many species becoming threatened (Compton, 2000; Lopez and Schoppe, 2004). Numerous species of freshwater turtles and tortoises are traded as pets in major cities in East and South-east Asia (Orenstein, 2002), many of which are not native to the Asian region (Sze and Dudgeon, 2006). The supply and demand of freshwater turtles and tortoises appears to be increasing throughout South-east Asia (Orenstein, 2002). Many of the species are acquired and traded illegally (Shepherd *et al.*, 2004; Warchol, 2004). Uncommon or geographically isolated species, as well as rare colour varieties or morphs are in high demand in the pet trade (Shepherd and Ibarrondo, 2005). In some cases, as the rarity of a species increases, so too does the demand (Shepherd and Ibarrondo, 2005; Courchamp, *et al.*, 2006). These factors combine to increase the levels of threat to individual species.

One of the main hubs for trade in freshwater turtles and tortoises for pets in South-east Asia is the Chatuchak (sometimes spelt Jatujak in transliteration from Thai to English) market in Bangkok, Thailand (van Dijk and Palasuwan, 2000). As this market has been recognized as a major trade hub for illegal wildlife, a campaign, called 'Sold Out' was recently launched by a NGO, PeunPa, in February 2007 with the intentions of ending the illegal trade. Numerous shops at this market sell animals including birds, reptiles, and aquarium fish. A selected number of shops specialize in freshwater turtles and tortoises, and

lizards and snakes, offering a wide range of both native and exotic species.

Despite being recognised as such a trade centre by the turtle and tortoise conservation community, as of yet, no systematic surveys have been carried out at this market. Very little is known about species composition, numbers and trade dynamics at Chatuchak, and to what extent the trade is legal. With such little information, effective interventions to stem the illegal trade in this market would be difficult to make.

With the aim of improving such efforts, TRAFFIC carried out systematic surveys of the live turtle and tortoise trade in Chatuchak in 2006 and 2007 to determine the levels of availability, and calculate the scale of illegal trade in order to make recommendations for improved regulation and control. Significant numbers of threatened and rare species, as classified by the 2006 IUCN Red List of Threatened Species, were found, including many that have been imported into Thailand. Presented



James Compton/TRAFFIC

Leopard Tortoise *Geochelone pardalis*, Radiated Tortoise *Astrochelys radiata* and Red-footed Tortoises *Geochelone carbonaria* displayed for sale in Chatuchak Market

here is an overview of the relevant Thai legislation, including how such laws implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to which Thailand is a Party; along with the market survey results and data analysis, and recommendations.

Protection of turtles and tortoises in Thailand, and trade regulations

All species of freshwater turtle and tortoise native to Thailand are protected from exploitation under the Wild Animal Reservation and Protection Act B.E. 2535 (WARPA), which was last revised in 1992 (van Dijk and Palasuwan, 2000).

All exotic species of freshwater turtles and tortoises listed in the Appendices of CITES are also regulated by WARPA in its function as Thailand's CITES-implementing legislation.

Thailand became a Party to CITES in 1983. The National Park, Wildlife and Plant Conservation Department is the lead CITES Management Authority in Thailand, responsible for the implementation and enforcement of this Convention. All Parties to CITES have been categorized under the CITES National Legislation Project, based on the ability of national legislation to implement and enforce CITES, as follows:-

- 1 (legislation that is believed to meet the requirements for the implementation of CITES),
- 2 (legislation that is believed not to meet all requirements for the implementation of CITES) and
- 3. (legislation that is believed not to meet the requirements for the implementation of CITES). Thailand has been rated in category 1.

Relevant sections to the regulation of the trade in native and non-native CITES-listed species within WARPA include:

Chapter 3 – Hunting, Breeding, Possessing and Trading of Wild Animals, Carcasses and Products Thereof,

Section 19 'No person shall be in possession of reserved wild animal, protected wild animal, carcasses of reserved or protected wild animals, except those bred in captivity'.

Section 20 states that: "No person shall engage in trading of reserved wild animals, protected wild animals, carcasses of reserved and protected wild animals, and products except protected wild animals obtained from breeding in captivity". The penalty for violating this law is imprisonment not more than two years, fine not exceeding THB 20,000 (USD 635), or both.

However, Chapter 3 does not cover possession or trading of exotic species (species not native to Thailand).



Chris R. Shepherd/TRAFFIC Southeast Asia

Indian Star Tortoises *Geochelone elegans* are very popular in the pet trade. Dealers state that they are smuggled from India

Species not native to Thailand are covered under Chapter 4 – Importation, Exportation, Transitory movement of Wild Animals and Wild Animal check point. Chapter 4, Section 23 states that: “No person shall engage in the importation and exportation of wild animals or carcass listed on the prohibition list of the Minister. Importation and exportation of protected and reserved wild animals and carcass is prohibited unless these were obtained from breeding in captivity”. The penalty, as stated in Chapter 8, for violating Section 23 is imprisonment not more than four years, and a fine not exceeding THB 4000 (USD 127), or both.

Section 24 of the same Chapter states that all importation and exportation, and transitory movement of wild animals and carcass requires a permit from the Director General in accordance with CITES.

There is no mention of “possession” or “domestic trade” of species on the prohibition list, only importing and exporting.

METHODS

Observations were made on the trade of freshwater turtles and tortoises in Bangkok’s Chatuchak Market, also known as the Weekend Market, on one day in each January and August, 2006 and April 2007 (the latter being after the launching of the “Sold Out” campaign). Only retail outlets that specialized in selling reptiles were selected, (14 shops in 2006 and 15 in 2007 at the time of the survey) for inclusion in the survey. Two species of freshwater turtle, the Red-eared Slider *Trachemys scripta elegans* and the Chinese Softshell Turtle *Pelodiscus sinensis*, are widely offered for sale in aquarium shops but rarely in the specialised reptile shops. On account of their great abundance and low prices, both at Chatuchak and other Asian markets, and information provided by the dealers, we assume that all specimens of these two species originate from captive breeding operations, the former being imported, the latter from commercial breeding operations in Thailand (Jenkins, 1995; van Dijk and Palasuwan, 2000).

Each retail outlet was visited three times during the survey period, and all species observed, quantities and other relevant information were recorded. Retail employees or shop owners were asked by TRAFFIC researchers posing as potential buyers of freshwater turtles and tortoises:

- (i) the origin of the specimens;
- (ii) their retail price; and
- (iii) recommendations for taking the animals out of Thailand, in order to determine if dealers were complicit with the illegal re-exportation of restricted species of freshwater turtles and tortoises.

Questions were kept simple. Most dealers were open to questions although they refused to disclose information regarding their suppliers, and the species’ countries of origin. In many shops, questions were also asked opportunistically by the researchers to

David Lawson/TRAFFIC Southeast Asia



Tortoises in Chatuchak Market

the shop owners and staff regarding the origin of their stock and prices. Information was also gleaned from these brief conversations on methods used to smuggle freshwater turtles and tortoises in and out of Thailand, and regarding other more valuable and rare species available but not on open display. Frequently, dealers offered information to the TRAFFIC researchers before any questions were asked. The dealers, anxious to make a sale, often stated the CITES and legal status of the species as a selling point, and offered ways in which to smuggle the species out of Thailand, presuming that as the researchers were not Thai nationals, they would soon be leaving the country. All interviews and discussions with dealers were carried out in English.



Chris R. Shepherd/TRAFFIC Southeast Asia

Leopard Tortoises *Geochelone pardalis* have been seized in attempted smuggling cases to Thailand

By the nature of the surveys, with only three checks conducted more than seven months apart, turnover could not be directly quantified. Buying and selling of turtles and tortoises was frequently observed during the (brief) visits to individual shops. Significant variation in species composition and quantities was noted between visits, suggesting that for most, if not all, species, turnover was higher than the between-survey intervals. This assertion is corroborated by information provided by the dealers as they indicated to TRAFFIC researchers that turnover of all freshwater turtle and tortoise species was measured in days or weeks as opposed to months.

Total volumes tabled in this report are cumulative numbers from all three surveys and while it is possible that some specimens may have been observed on both surveys, it is more likely that the total is a gross underestimate of the numbers that moved through this market during this time period.

Data from the UNEP-WCMC CITES trade database from 2000-2005 (data from 2006 was not yet available at the time of writing) were analysed and the species available in the markets compared to the species reported as legally imported were compared in terms of species composition and volume.

Observations and discussion

All of the freshwater turtles and tortoises offered for sale in Chatuchak Market were being sold as pets. While large quantities of freshwater turtles and tortoises are harvested in Thailand and exported, mostly to China, for consumption as meat and medicine, Chatuchak clearly caters to the pet industry.

A total of 786 individuals representing 27 species of freshwater turtles and tortoises were observed during this study in the Chatuchak Market (excluding Red-eared Sliders and Chinese Softshell Turtles). During

the first survey, in January 2006, a total of 121 specimens representing 13 species were observed. During the second visit in August 2006, 526 specimens, representing 19 species, were observed. During the third visit in April 2007, 139 specimens, representing 16 species were observed, four of which were not observed in the previous two surveys. Of the 27 species, only nine were observed during all three surveys, and 15 were observed during one survey only (see Table 1).

Although there are 23 species of freshwater turtle and tortoise native to Thailand, only two species, the Malayan Snail-eating Turtle *Malayemys subtrijuga* and the Asiatic Softshell Turtle *Amyda cartilaginea*, were observed during this study and in relatively low numbers. Fifteen individuals of Malayan Snail-eating Turtles were observed on one of the three visits and a single albino Asiatic Softshell Turtle was observed on another (see Table 1). The vast majority of the freshwater turtle and tortoise species observed during this study were not native to Thailand.

Table 1
Species observed in Chatuchak Market, Bangkok, 2006

| English name | Species name | IUCN | CITES | 29-Jan-06 | 12-Aug-06 | 10-Apr-07 | Total |
|----------------------------------|--------------------------------|------|-------|------------|------------|------------|------------|
| Pig-nosed Turtle | <i>Carettochelys insculpta</i> | VU | II | 1 | 3 | 3 | 7 |
| Florida Softshell Turtle | <i>Apalone ferox</i> | NA | NA | 0 | 0 | 2 | 2 |
| Asiatic Softshell Turtle | <i>Amyda cartilaginea</i> | VU | II | 0 | 0 | 1 | 1 |
| Siebenrock's Snake-necked Turtle | <i>Chelodina siebenrocki</i> | LR | NA | 4 | 1 | 6 | 11 |
| Mata-mata | <i>Chelus fimbriatus</i> | NA | NA | 0 | 10 | 0 | 10 |
| Chinese Pond Turtle | <i>Chinemys reevesii</i> | EN | NA | 16 | 0 | 3 | 19 |
| Red-footed Tortoise | <i>Geochelone carbonaria</i> | NA | II | 3 | 27 | 1 | 31 |
| Indian Star Tortoise | <i>Geochelone elegans</i> | LR | II | 2 | 55 | 11 | 68 |
| Giant Aldabra Tortoises | <i>Geochelone gigantea</i> | VU | II | 0 | 2 | 1 | 3 |
| Leopard Tortoise | <i>Geochelone pardalis</i> | NA | II | 30 | 86 | 3 | 119 |
| Radiated Tortoise | <i>Astrochelys radiata</i> | VU | I | 32 | 187 | 50 | 269 |
| Spurred Tortoise | <i>Geochelone sulcata</i> | VU | II | 21 | 76 | 26 | 123 |
| Spotted Pond Turtle | <i>Geoclemys hamiltonii</i> | VU | I | 0 | 2 | 4 | 6 |
| Black-breasted Leaf Turtle | <i>Geoemyda spengleri</i> | EN | III | 0 | 1 | 0 | 1 |
| Indian Roofed Turtle | <i>Kachuga tecta</i> | LR | I | 2 | 0 | 0 | 2 |
| Indian Tent Turtle | <i>Kachuga tentoria</i> | LR | II | 0 | 1 | 0 | 1 |
| Mississippi Map Turtle | <i>Graptemys kohnii</i> | NA | III | 0 | 0 | 8 | 8 |
| Alligator Snapping Turtle | <i>Macrochelys temminckii</i> | VU | III | 1 | 2 | 4 | 7 |
| Pancake Tortoise | <i>Malacochersus tornieri</i> | VU | II | 3 | 19 | 8 | 30 |
| Malayan Snail-eating Turtle | <i>Malayemys subtrijuga</i> | VU | II | 0 | 15 | 0 | 15 |
| Japanese Turtle | <i>Mauremys japonica</i> | LR | NA | 0 | 0 | 8 | 8 |
| Burmese Eyed-turtle | <i>Morenia ocellata</i> | VU | I | 4 | 0 | 0 | 4 |
| Chinese Stripe-necked Turtle | <i>Ocadia sinensis</i> | EN | III | 2 | 0 | 0 | 2 |
| Hilary's side-necked Turtle | <i>Phrynops hilarii</i> | NA | NA | 0 | 5 | 0 | 5 |
| Spider Tortoise | <i>Pyxis arachnoides</i> | VU | I | 0 | 4 | 0 | 4 |
| Razor-back Musk Turtle | <i>Sternotherus minor</i> | NA | NA | 0 | 27 | 0 | 27 |
| Hermann's Tortoise | <i>Testudo hermanni</i> | LR | II | 0 | 3 | 0 | 3 |
| Total | | | | 121 | 526 | 139 | 786 |

IUCN Status:

VU - Vulnerable

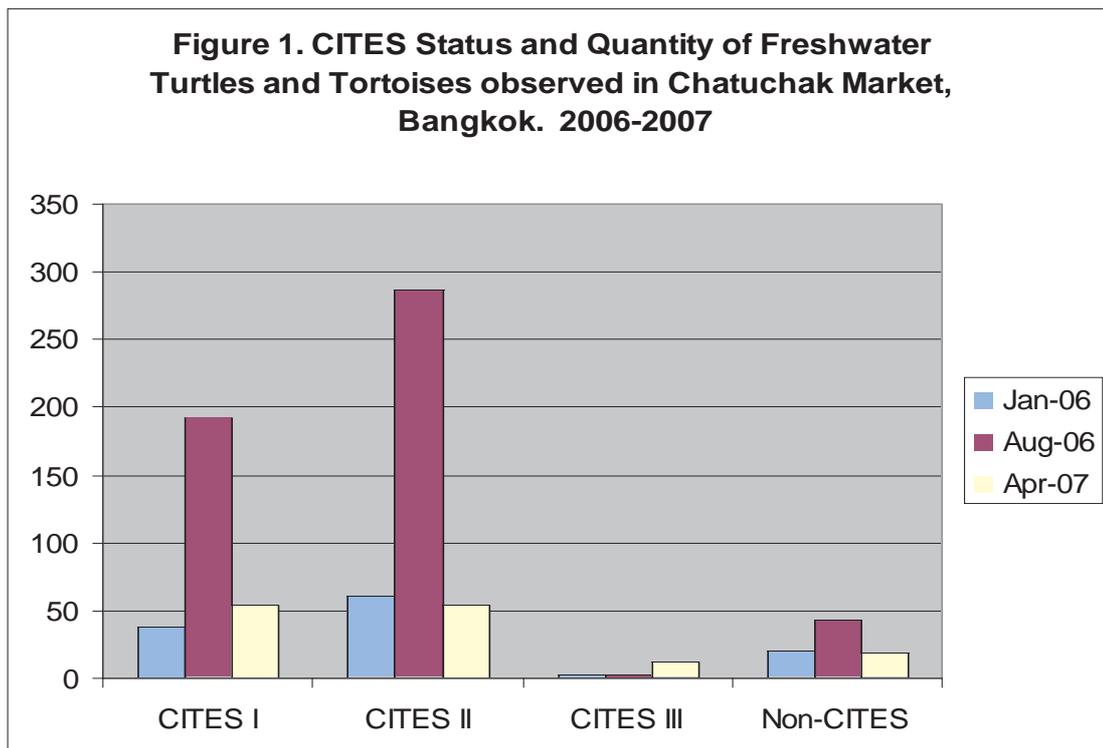
LR - Lower Risk

EN - Endangered

NA - Not Applicable

The most abundant species observed during this study was the Radiated Tortoise *Astrochelys radiata*, a CITES Appendix I-listed species endemic to Madagascar, with a total of 269 specimens observed (see Table 1). Next most abundant observations were for the Spurred Tortoise *Geochelone sulcata* and the Leopard Tortoise *G. pardalis*, both CITES II-listed species, native to Africa, with a total of 123 and 119 specimens observed, respectively.

Of the species of freshwater turtles and tortoises observed in the Chatuchak Market during this study, five are listed in CITES Appendix I, 11 are listed in CITES Appendix II and four in CITES Appendix III. Only seven species observed were not listed in the CITES Appendices. The majority (40%) of the species observed were listed in CITES Appendix II (see Figure 1).



The majority of specimens observed were of species listed in Appendix II (see Figure 1), totaling 401 specimens (52%). Of greater concern, a total of 285 specimens (36%) of freshwater turtles and tortoises observed were of Appendix I-listed species, for which there should be no international trade for commercial purposes. None of these Appendix I-listed species are native to Thailand, which implies all had been brought into the country illegally.

International trade of species listed in Appendix II of CITES is permitted, providing the specimens have been acquired legally, and that the appropriate export permits have been issued from the country of origin. CITES Parties are obliged to report import and export of all CITES-listed species annually to the CITES Secretariat, and a database for these reports on trade in CITES-listed species is maintained by UNEP-WCMC.

A total of 6900 specimens of CITES Appendix II-listed tortoises were reported by Thailand as being imported during this period (Table 2). Exporting countries reported sending 4627 tortoises to Bangkok

during this period. The discrepancy of 2273 Tortoise may be due to incomplete reporting, as well as exporting from non-CITES Parties, which are not obligated to submit annual reports to the CITES Secretariat. No records of import of CITES Appendix III-listed species were recorded during this period.

Of the nine non-native species listed in Appendix II observed during this survey period, only seven species appear in the UNEP-WCMC database as having been reported as imported into Thailand between 2000-2005 (see Table 2), all of which were tortoises. There was no record of import of Pig-nosed Turtles *Carettochelys insculpta* or the Indian Tent Turtle *Kachuga tentoria*. As both of these species are totally protected in their range States, and were not recorded as being imported by Thailand, it can be assumed that these were smuggled into Thailand.

Between 2000-2005, the most heavily imported CITES II-listed species was the Leopard Tortoise *Geochelone pardalis*, with a total of 2872 reported as imported by Thailand (Table 2). This was the third most commonly observed species in the Chatuchak Market during this study.

The Indian Star Tortoise *Geochelone elegans* was the second most heavily imported CITES II-listed species during this time, with a total of 1880 reportedly imported by Thailand during 2000-2005. All of these were reported to have been imported from Lebanon and Kazakhstan where they were claimed to have been captive bred (with the exception of 150 where no origin is reported, only that they were re-exported from Lebanon).

In 2004-2005 alone, 1700 Indian Star Tortoises were imported to Thailand having been claimed to be captive bred in Kazakhstan, and re-exported via Lebanon, a country which is currently a non-Party to CITES (UNEP-WCMC, 2007). This is cause for concern and further investigation, as no export of this species has ever been reported from any CITES Party as being imported to Lebanon or Kazakhstan since the inception of CITES in 1975. Furthermore, *G. elegans* is totally protected in its three Range States, India, Pakistan and Sri Lanka, and export is prohibited from these countries (Shepherd, *et al.*, 2004). Furthermore, while it is possible to breed this species in captivity, it is highly unlikely that it is bred in such quantities (van Dijk, in litt. to TRAFFIC, 2000 In: Shepherd *et al.*, 2004).

There was no reported import of CITES Appendix I-listed species into Thailand, with the exception of the Spider Tortoise *Pyxis arachnoides*, which was listed on Appendix II until after the 13th Conference of the Parties to CITES, when it was uplisted to Appendix I, which came into effect in January 2005. However, there was an import of 100 individuals from Lebanon in 2005, again reported to have been captive bred in Kazakhstan. This import would have been legally possible only if the tortoises were imported in the first two weeks of January, before the Appendix I listing came into effect. All of the Spider Tortoises reported as imported by Thailand were reported to have come from Lebanon, with 150 of these reportedly being captive-bred in Kazakhstan, and no origin reported for the remaining 100. An additional 10 wild-caught specimens were reported as being exported to Thailand from South Africa (origin reported as Madagascar), but these were not reported as being imported by Thailand.

With the exception of Aldabra Tortoises *Geochelone gigantea*, all tortoise species imported into Thailand were reported as being traded for commercial purposes (code T) (see Table 2).

Table 2. Reported export and import for each species for 2000-2005 based on reported CITES trade data held at UNEP-WCMC

| Common name | Species | CITES | Total quantity observed in Chatuchak 2006-2007 | Reported import by TH (live) | Reported export to TH (live) | Country of Export | Reported Country of Origin | Reported Transaction Purpose | Reported Source |
|--------------------------|--------------------------------|-------|--|------------------------------|------------------------------|-------------------|----------------------------|------------------------------|-----------------|
| Pig-nosed Turtle | <i>Carettochelys insculpta</i> | II | 7 | 0 | 0 | | | | |
| Asiatic Softshell Turtle | <i>Amyda cartilaginea</i> | II | 1 | 0 | 0 | | | | |
| Red-footed Tortoise | <i>Geochelone carbonaria</i> | II | 31 | 160 | 60 | BR | | T | C |
| | | | | 4 | 4 | HK | BB | T | C |
| | | | | 0 | 50 | US | VE | T | C |
| Indian Star Tortoise | <i>Geochelone elegans</i> | II | 68 | 30 | 30 | JP | LB | T | C |
| | | | | 1850 | 0 | LB | | T | C |
| | | | | 0 | 20 | UA | | T | C |
| Giant Aldabra Tortoises | <i>Geochelone gigantea</i> | II | 3 | 50 | 0 | LB | | T | C |
| | | | | 73 | 73 | MU | | T | C |
| | | | | 4 | 0 | MY | XX | T | W |
| | | | | 15 | 0 | SC | | Z/B | W/C |
| Leopard Tortoise | <i>Geochelone pardalis</i> | II | 119 | 100 | 100 | BI | | T | R |
| | | | | 4 | 0 | ET | | T | W |
| | | | | 100 | 370 | MZ | | T | C |
| | | | | 300 | 20 | UG | | T | W |
| | | | | 2,368 | 2,450 | ZM | | T | C&R |
| Radiated Tortoise | <i>Astrochelys radiata</i> | I | 269 | 0 | 0 | | | | |
| Spurred Tortoise | <i>Geochelone sulcata</i> | II | 123 | 20 | 20 | GH | | T | C |
| | | | | 2 | 2 | HK | US | T | F |
| | | | | 240 | 0 | LB | KZ | T | C |

Table 2. Reported export and import for each species for 2000-2005 based on reported CITES trade data held at UNEP-WCMC (cont.)

| Common name | Species | CITES | Total quantity observed in Chatuchak 2006-2007 | Reported import by TH (live) | Reported export to TH (live) | Country of Export | Reported Country of Origin | Reported Transaction Purpose | Reported Source |
|----------------------------|-------------------------------|-------|--|------------------------------|------------------------------|-------------------|----------------------------|------------------------------|-----------------|
| Spotted Pond Turtle | <i>Geoclemys hamiltonii</i> | I | 6 | 0 | 0 | | | | |
| Black-breasted Leaf Turtle | <i>Geoemyda spengleri</i> | III | 1 | 0 | 0 | | | | |
| Indian Roofed Turtle | <i>Kachuga tecta</i> | I | 2 | 0 | 0 | | | | |
| Indian Tent Turtle | <i>Kachuga tentoria</i> | II | 1 | 0 | 0 | | | | |
| Mississippi Map Turtle | <i>Graptemys kohyii</i> | III | 8 | 0 | 0 | | | | |
| Alligator Snapping Turtle | <i>Macrolemys temminckii</i> | III | 7 | 0 | 0 | | | | |
| Pancake Tortoise | <i>Malacochersus tornieri</i> | II | 30 | 300 | 300 | CD | | T | W |
| Malayan Snail-eating | <i>Malayemys subtrijuga</i> | II | | 130 | 0 | LB | KZ | T | C |
| Burmese Eyed-turtle | <i>Morenia ocellata</i> | I | | 0 | 0 | | | | |
| Chinese Stripe-necked | <i>Ocadia sinensis</i> | III | | 0 | 0 | | | | |
| Spider Tortoise | <i>Pyxis arachnoides</i> | I | | 250 | 0 | LB | KZ | T | C |
| Hermann's Tortoise | <i>Testudo hermanni</i> | II | | 0 | 10 | ZA | MG | T | W |
| | | | | 460 | 660 | SI | | T | C |

ISO Country codes:

BB – Barbados, **BI** – Burundi, **BR** – Brazil, **CD** – The Democratic Republic of the Congo, **ET** – Ethiopia, **GH** – Ghana, **HK** – Hong Kong, **JP** – Japan, **KZ** – Kazakhstan, **LB** – Lebanon, **MG** – Madagascar, **ML** – Mali, **MU** – Mauritius, **MY** – Malaysia, **MZ** – Mozambique, **SC** – Seychelles, **SI** – Slovenia, **UA** – Ukraine, **UG** – Uganda, **US** – United States of America, **VE** – Venezuela, **ZA** – South Africa, **ZM** – Zambia

Source and transaction code:

T - Comercial **W** - Wild **C**- Captive bred

Market observations and reported smuggling techniques

Results of this study show that there is a significant market for freshwater turtles and tortoises for pets in Thailand and other end-market destinations. Retailers openly acknowledged that many of these species have been illegally obtained and offered advice on smuggling techniques to take protected species out of the country.



Red-footed Tortoises *Geochelone carbonaria* that have just been delivered to the Chatuchak Market

On 12 August 06, a TRAFFIC researcher observed a shipment of three boxes arriving in Chatuchak market containing 105 Radiated Tortoises *Astrochelys radiata*, which the dealer stated had come from Madagascar. Immediately after these boxes were opened, two buyers from Malaysia appeared and began choosing tortoises to purchase. The two buyers stated to the TRAFFIC researcher that they were buying them to take back to Kuala Lumpur for resale. Neither appeared to have much knowledge of tortoises, and were asking very basic questions to the dealer regarding smuggling techniques, such as the duration of time the tortoises could remain in a small

space. Later the same day, the two men were again seen in another pet store in Chatuchak market, purchasing more Radiated Tortoises as well as Red-footed Tortoises *Geochelone carbonaria*.

During one visit to the Chatuchak Market, a dealer told a TRAFFIC researcher, without any prompting, how to smuggle turtles and tortoises out of Bangkok. According to this dealer, one can put the turtles or tortoises in a suitcase, making sure to put tape over the legs and head, keeping the animal in one position, as movement would be noticeable on the X-ray machines at the airport. He went on to say that small turtles and tortoises can be placed in pockets, whilst ensuring that there are no metal objects or cell phones on the person, as these would be detected when going through the metal detector. If the metal detector is not set off, the Customs officer will likely not conduct a search, and therefore the animals will not be detected. This dealer went on to say that buyers from Malaysia, Singapore and Japan carry turtles and tortoises out of Bangkok, purchased from his shop, every month in this manner.

This was corroborated in Malaysia when a dealer in a Petaling Jaya (Selangor State) pet store selling many of the same species as were observed in Bangkok, including Radiated Tortoises and Pancake Tortoises *Malacochersus tornieri*, stated to TRAFFIC researchers in 2006 that she brings approximately 50 turtles and tortoises from Bangkok every three weeks to be sold. She stated that she carries some in her pockets but mostly in her luggage, and described the same methods to carry the animals without being detected.

All of the dealers that TRAFFIC researchers spoke with were well aware of the national legislation, CITES, and of the legal loopholes in both Malaysia and Thailand. Many of the dealers stated which turtles and tortoises were listed on the Appendices of CITES, and which ones were considered rare and endangered. These facts were used as selling points, with the dealers urging potential buyers to buy the rare species.

According to dealers in the market, there is little risk of being disrupted by the authorities. However, some seizures of freshwater turtles and tortoises for the pet trade, within Thailand or on the way to or from Thailand, have taken place (see Box 1) and further highlight the global significance of this market.



David Lawson/TRAFFIC Southeast Asia

Spurred Tortoises *Geochelone sulcata* in Chatuchak Market

During a recent capacity building workshop for Thai officials from port, airport and border check-point authorities facilitated by TRAFFIC in Bangkok in 2006, 60 participants were asked if they could identify any freshwater turtle and tortoise species. None of the participants could, despite many of them being responsible for inspecting and clearing wildlife shipments through airports, ports and land border crossings. This current lack of capacity obviously contributes towards the ease in which illegal international trade is carried out, and is a focus of ongoing TRAFFIC trainings to support the nascent ASEAN Wildlife Enforcement Network.

Conservation status of freshwater turtles and tortoises observed in Chatuchak Market

Of the 27 species observed during this study of the freshwater turtle and tortoise trade in Bangkok's Chatuchak Market, three are considered Endangered, 11 Vulnerable and six Lower Risk by the IUCN Red List of Threatened Species (IUCN, 2006). Only seven are not rated by the IUCN Red List (see Table 1). Four of these seven species are among the seven species not listed in the Appendices of CITES, and of the remaining, two are listed in Appendix II and one in Appendix III.

The majority of the specimens observed in the Chatuchak Market are considered to be Vulnerable, with a total of 469 (59 %) specimens in this category.

Box 1. Recent reports of illegal freshwater turtle and tortoise seizures involving Thailand*

5 June 2001 – Authorities in Yangon, Myanmar, arrested a Japanese national bound for Bangkok, and seized 84 “endangered” turtles. The species involved was not stated (The New Light of Myanmar).

18 July 2004 – 600 Indian Star Tortoises *Geochelone elegans* seized at Anna International Airport, Chennai, India, from a Bangkok-bound passenger (UNI).

8 July 2005 – two Ploughshare Tortoises *Geochelone yniphora* seized in Bangkok (TRAFFIC).

25 November 2005 – 70 Radiated Tortoises *Astrochelys radiata* seized in Bangkok (TRAFFIC).

28 November 2005 – 100 Radiated Tortoises *Astrochelys radiata* and two Spider Tortoises *Pyxis arachnoides* seized in Bangkok (TRAFFIC).

8 May 2006 – 197 Indian Star Tortoises *Geochelone elegans* seized at Anna International Airport, Chennai, India, from a Bangkok-bound passenger (WildAid Thailand, *in litt.* to TRAFFIC).

6 August 2006 – 228 Leopard Tortoises *Geochelone pardalis* from Uganda were seized by authorities from a passenger attempting to smuggle them to Thailand (The Standard).

4 August 2006 – 15 Radiated Tortoises *Astrochelys radiata* seized in Bangkok (TRAFFIC).

1 January 2007 – Authorities in Thailand seized 1043 Pig-nosed Turtles *Carettochelys insculpta*, 248 Siebenrock’s Snake-necked Turtle *Chelodina siebenrocki* and 131 Indian Star Tortoises *Geochelone elegans* (and 33 Arapaima Fish) believed to be bound for illegal sale at Bangkok pet markets. The seized animals were found in a suitcase in a public bus heading for Bangkok in Prachuap Khiri Khan Province, some 280 kilometers south of Bangkok (AFP).

24 January 2007 – Authorities at Bangkok’s Suvarnabhumi Airport seized a shipment of 28 Radiated Tortoises *Astrochelys radiata* and two Ploughshare Tortoises *G. yniphora*. There were also five dead tortoises. The shipment had come from Madagascar and was sent to Kuala Lumpur, Malaysia, via Bangkok. It was not picked up in Malaysia, and was sent back to Bangkok, where it was seized (TRAFFIC).

3 April 2007 – Authorities at Zagreb, Croatia, stopped a passenger coming from Thailand carrying 10 Radiated Tortoises *Astrochelys radiata* (and 175 Chameleons) in a suitcase. The man arrested stated to authorities that he had purchased the animals from a market in Bangkok (HINA; TRAFFIC).

DISCUSSION AND CONCLUSIONS

Thailand is an important hub for the sale of CITES-listed freshwater turtles and tortoises, with most of the sales taking place in the Chatuchak Market, or involving dealers affiliated with the shops in this market. Buyers from other parts of Asia, especially Japan, Malaysia and Singapore, purchase large numbers of turtles from the dealers in Chatuchak Market for retail in their respective countries.

Chatuchak Market is a major hub for trade in freshwater turtles and tortoises, with dealers based there importing exotic species from around the world and redistributing them throughout South-east and East Asia to markets and buyers in countries such as Malaysia, Singapore and Japan. Much of the importing and exporting of freshwater turtles and tortoises, to and from the Chatuchak Market, is done so illegally.

During this study, a total of 786 specimens, representing 27 species, 25 of which have been imported to Thailand, was observed. This included 285 specimens of five species listed in Appendix I of CITES that were observed. The fact that these species were openly available in the market, and that the dealers openly stated that the animals were smuggled into Thailand and that they regularly smuggle them out highlights a severe challenge to effective enforcement under current Thai law unless the dealers are caught in the act of selling the specimens. The dealers even went as far as to describe to potential buyers a selection of techniques that are used to smuggle these animals out of Thailand.

Enforcement agencies responsible for the control of import and export of freshwater turtles and tortoises in Thailand currently lack capacity to effectively control the international trade of freshwater turtles and tortoises. Species identification skills are lacking, and careful investigation and inspection of passengers moving these species across borders will not address the current problems comprehensively, unless authorities (i.e. CITES, Customs and police, as well as quarantine and airport cargo handlers) are able to target dealers and smugglers directly.

While it may be argued that some of the species of freshwater turtles and tortoises observed in the Chatuchak Market may be derived from captive-breeding operations, or legal wild-harvested sources, in countries of export, the issue of importance is the number of species available that have been imported into Thailand without the necessary permits, and the further illegal re-export to other countries. Dealers confessed to illegally importing and exporting these species and even provided details as to how this was done. Furthermore, dealers in the Chatuchak Market carried out the trade in illegally-sourced species openly and with little regard for laws, which highlights gaps in market monitoring and enforcement on the part of the Thai authorities. However, the main inhibiting factor impeding enforcement of CITES, and that there are loopholes in the current legislation, and until this is changed, Thailand will continue to be a hub for smuggling of CITES-listed species.

The fact that so many specimens of illegally traded freshwater turtles and tortoises are available in Thailand, and that many are purportedly exported from Thailand also highlights the need for more vigilance at the points of entry and exit to Thailand, especially at the international airports, where other enforcement agencies, such as Customs, has the authority to stop illegal cargoes.

Given that Thailand's law does not specifically state that domestic trade or possession of non-native CITES-listed species is not prohibited, the only way illegal trade of these species can be prevented currently is if offenders are proved to have imported or exported these species illegally. Possession in the

market, therefore, is not technically against current regulations and many offenders have used this omission in the law to exploit this weakness. This problem is further perpetuated by the fact that the burden of proof to show that these species were obtained illegally by the offender lies on the enforcement agency. The offender would sometimes claim not to be a dealer or importer but have purchased the species locally from another person. This usually entails a very long investigative process for enforcement officers in order to establish the custody chain, and deters enforcement agencies from taking effective action.

Therefore, of the species observed in the Chatuchak market, under Thailand's current legislation only the Malayan Snail-eating Turtle and the Asiatic Softshell Turtle could have been seized, as possession of native species is adequately covered by current legislation.

Under the CITES National Legislation Project, Thailand is one of only four members of the Association of South East Asian Nations (ASEAN) with legislation sufficient to adequately implement and enforce CITES. However, the continual illegal importing and exporting of CITES I-listed species such as the Radiated Tortoise, and the inability to take action on the part of the authorities due to loopholes in the law, clearly demonstrates that the WARPA does not allow for comprehensive implementation and enforcement of CITES.

Thailand's legislation is currently being examined for revision by the Government of Thailand, and it is hoped that the revised legislative provisions will allow for the authorities to put an end to the illegal trade of freshwater turtles and tortoises. In addition, the Government must also include a provision to reverse the burden of proof. The new law must provide for the onus to be on the trader to prove that the CITES listed species were obtained legally. This would address the issue often highlighted by enforcement officers on the lack of resources, financial and human, to establish a case against offenders.

RECOMMENDATIONS

The obvious recommendation is to take action against the dealers selling illegally acquired specimens of freshwater turtles and tortoises in the markets, but this can only be done after the law has been reviewed and changed for exotic species. Based on the findings of this study, TRAFFIC makes the following recommendations:

1. The Wild Animal Reservation and Protection Act 1992 (WARPA) needs to be amended to address current loopholes that prevent authorities from taking action against the illegal trade of non-native species of freshwater turtles and tortoises. In particular, Section 23 of WARPA should include "possession" in its provision for CITES-listed species and reverse the burden of proof from the enforcement agency to the offender. Owing to these and other gaps in legislative coverage, the CITES Secretariat should consider a reassessment of Thailand's legislation under the National CITES Legislation Project and encourage Thailand to amend legislation as soon as possible.
2. Authorities (Customs, Immigration, Quarantine and Security - CIQS) in the airports and other points of international entry and exit must be more vigilant to prevent such quantities of species from being traded in Thailand. These authorities should ensure that their staff are regularly trained in CITES implementation and in other relevant fields, such as species identification and profiling

and targeting of potential smugglers in order to continue to improve Thailand's detection of illegal cargoes of wild animals and plants.

3. Regular monitoring by Thai enforcement agencies and NGOs such as TRAFFIC of the markets in Thailand should be carried out to gauge the scale of trade and identify trends in species composition, countries of origin, and any end-market destinations beyond Thailand.
4. Offenders that are found importing and exporting species of freshwater turtles and tortoises should be prosecuted to the full extent of the law, to serve as a deterrent. Current fines and penalties are too low to serve as an effective deterrent and should therefore be increased.
5. Thailand is presently the lead country for the ASEAN Wildlife Enforcement Network (ASEAN-WEN). It has established an inter-agency national task force, with successful seizures conducted at various border points and cities in Thailand for CITES-listed species. This could be replicated at local levels for more interagency efforts to be conducted at nationally. However, enforcement will be limited if the current WARPA is not amended which would enable officers to monitor and take action against the illegal traders.

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TRAFFIC, the wildlife trade monitoring network, works to ensure that trade in wild plants and animals is not a threat to the conservation of nature. It has offices covering most parts of the world and works in close co-operation with the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

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