

Illegal Captures - A Serious Threat to Asian Elephants

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For thousands of years, the elephant has been part of Asian civilizations and played a prominent role in their cultural, economic and religious traditions. A case in point is Sri Lanka, where Asia's most spectacular and probably oldest pageant, the Esala Perahara of the Sri Dalada Maligawa in Kandy is held annually with the participation of up to a hundred caparisoned elephants. The ancient kings of Sri Lanka captured and tamed wild elephants, which used to abound in the country then. Tamed elephants were used in war, for religious purposes, ceremonial occasions, as beasts of burden, in sports and recreation, as an item of trade and in agriculture. Then the human population was small and the elephants lived in large numbers in wide spread habitats.

With time the role of captive elephants has diminished and today it is largely limited to cultural and religious pageants and tourism. Wild elephants have disappeared across Asia at an alarming rate and populations have become fragmented and isolated, making the Asian elephant a globally threatened species. However, in a number of Asian countries including Sri Lanka, the demand for captive elephants persists and has shown a worrying trend of increasing in the recent past.

Sri Lanka was thought to have a depleting number of captive elephants due to owners being averse to breeding their elephants. This is due to fear that the female would become weak during her 22 month pregnancy and would not be able to work gainfully and it would be at least ten years before the new born baby could be utilized for any effective income generating work. In addition, captures from the wild have been banned for decades. Capture of elephants from the wild and their taming involves severe disruption of wild herds, much cruelty and high death rates, with a large numbers of captured babies dying in the

capture and taming process. In Sri Lanka and most other Asian countries, captures have been banned due to the negative impact it has on wild populations. In Sri Lanka, this was precipitated by the public outcry against wild captures consequent to the disastrous results of the last such major capture operation – the Panamure kraal in 1950. However, illegal captures have persisted and recently there is a fear that the captive population is rapidly growing.

A major step towards prevention of illegal captures and regulation of captive elephants was taken in 1995, with the imposition of mandatory registration of all captive elephants by the Department of Wildlife Conservation (DWC). Subsequently, additional efforts were made to strengthen the legislature and make it more effective. Currently, according to the Fauna and Flora Protection Ordinance, any person who owns, has in his custody or makes use of an elephant which is not registered, and a license obtained in accordance with the provisions of this section, shall be guilty of an offence and shall on conviction be liable to a fine not less than one hundred thousand rupees and not more than two hundred thousand rupees or to imprisonment for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

It is mandatory for elephant owners to inform the DWC when a she-elephant gets pregnant and the department has to be informed within seven days of a birth of an elephant calf. Virtually no such pregnancies of captive elephants have been recorded in Sri Lanka. However, a large number of calves, juveniles and young adults have appeared in captivity in the last few years, many with claimed registration by the DWC. While the legislature preventing illegal capture and regulating captive elephants is strong, it has fallen short of its goal due to non-implementation.

A new trend has surfaced in Sri Lanka in the last few years where gangs of poachers go into elephant habitats and possibly kill the mothers of selected baby elephants. In another method the poachers make a lot of noise, use firecrackers and bright lights to chase and disperse the herd. The babies are separated from their mothers in this confusion and are caught. The babies are then taken away to be tamed and used for the tourist trade, ceremonial occasions or kept as a symbol of prestige that accrues from owning an elephant.

This poaching is so well organized, wide spread and lucrative that even highly placed officials are involved in the capture and 'legalizing' of illegally captured baby elephants through fraud. In one such instance, a magistrate was accused of illegally possessing an elephant calf without a valid registration. Upon the filing of a complaint by a number of concerned environmental organizations and concerned individuals, the Deputy Auditor General conducted an investigation and according to the report dated July 22, 2014, all documents that have been submitted to the DWC to get this elephant registered are fraudulent and the signatures of officials on the permit issued by the DWC have been forged.

Giving evidence at the audit investigation a Management Assistant at the DWC has admitted that she had to prepare the fraudulent documents and number them on the instructions of her superiors. She has further stated that the documents pertaining to the elephant registration number 334 were inserted to the elephant registration book at the DWC removing some other documents in the book. The audit report states, that "In the fraudulent application submitted on November 12, 2008, the height of the elephant calf was given as four feet and six inches and his age as three years. However the DWC, in the certificate of registration (given in 2012) too has given the animal's height as same as in the application but only changed the age of the elephant to five years". Although the DWC gave the registration license to the elephant calf in question on March 27, 2012 based on the fraudulent documents, in a letter dated October 26, 2012 the then Acting Director General DWC cancelled the license of this elephant

calf (registration number 334) claiming that the documents provided to obtain the registration were fraudulent thus ordering the owner to hand over the animal to the DWC. However, this decision was reversed on January 21, 2013 by the current Director General.

Following this audit report on the investigation of illegal elephant registrations by the DWC, the focus is now to see what action the relevant authorities would take in this matter. However, after this remarkable audit query was sent to the Secretary of the Ministry of Wildlife Resources on July 22, the Deputy Auditor General who conducted the investigation has been removed from all investigations he was conducting and was transferred to another section with fewer responsibilities.

Twenty international conservation organisations from Britain, Germany, France and the United States, committed to the conservation and welfare of wildlife, wrote a letter to Sri Lanka's President, expressing deep concern about the growing illegal baby elephant trade. It asked the president to take urgent action to stop the capture of wild elephants and the public exhibition of elephants of questionable legal origin. The organisations have noted the global trend towards ethical tourism and expressed confidence that Sri Lanka, with its rich cultural and natural heritage, attracts visitors who value ethics and eco tourism alike. In addition, the people's concern for the conservation and welfare of animals, particularly of elephants, is increasing. Therefore, ensuring the protection of Sri Lankan elephants from capture and abuse, while safeguarding their continued existence in the wild, would play an important role not only in maintaining and strengthening the country's tourism industry but also ensure the conservation of the elephants in the wilds of Sri Lanka.

The situation in Sri Lanka is not unique and similar conditions occur in other Asian elephant range states. Ensuring the survival of the Asian elephant in the wild requires continued vigilance and willingness of all stakeholders to confront and overcome challenges that are driving it towards extinction.